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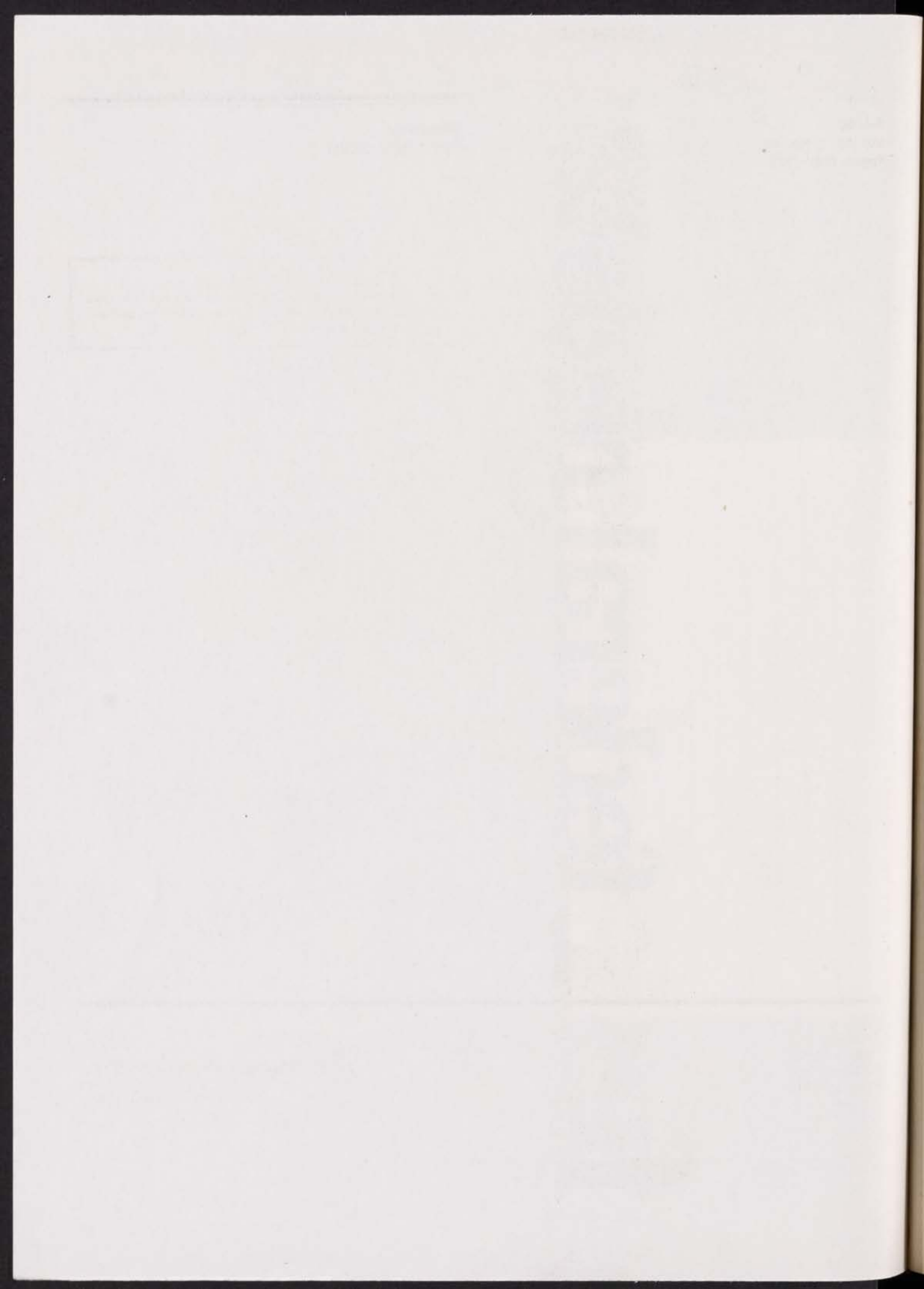
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Federal Register

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 907

[Navel Orange Reg. 709]

Navel Oranges Grown in Arizona and Designated Part of California

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This regulation establishes the quantity of California-Arizona navel oranges that may be shipped to domestic markets during the period from March 2 through March 8, 1990. Consistent with program objectives, such action is needed to balance the supplies of fresh navel oranges with the demand for such oranges during the period specified. This action was recommended by the Navel Orange Administrative Committee (Committee), which is responsible for local administration of the navel orange marketing order.

DATES: Regulation 709 (7 CFR part 907) is effective for the period from March 2 through March 8, 1990.

FOR FURTHER INFORMATION CONTACT: Maureen T. Pello, Marketing Specialist, Marketing Order Administration Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2523-S, P.O. Box. 96456, Washington, DC 20090-6456; telephone: (202) 382-1754.

SUPPLEMENTARY INFORMATION: This final rule is issued under Marketing Order 907 (7 CFR part 907), as amended, regulating the handling of navel oranges grown in Arizona and designated part of California. This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended, hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of the use of volume regulations on small entities as well as larger ones.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 123 handlers of California-Arizona navel oranges subject to regulation under the navel orange marketing order and approximately 4,065 navel orange producers in California and Arizona. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of handlers and producers of California-Arizona navel oranges may be classified as small entities.

The California-Arizona navel orange industry is characterized by a large number of growers located over a wide area. The production area is divided into four districts which span Arizona and part of California. The largest proportion of navel orange production is located in District 1, Central California, which represented 85 percent of the total production in 1988-89. District 2 is located in the southern coastal area of California and represented 13 percent of 1988-89 production; District 3 is the desert area of California and Arizona, and it represented approximately 1 percent; and District 4, which represented approximately 1 percent, is northern California. The Committee's estimate of 1989-90 production is 85,500 cars (one car equals 1,000 cartons at 37.5 pounds net weight each), as compared

with 70,633 cars during the 1988-89 season.

The three basic outlets for California-Arizona navel oranges are the domestic fresh, export, and processing markets. The domestic (regulated) fresh market is a preferred market for California-Arizona navel oranges. The Committee estimates that about 59 percent of the 1989-90 crop of 85,500 cars will be utilized in fresh domestic channels (50,700 cars), with the remainder being exported fresh (9 percent), processed (30 percent), or designated for other uses (2 percent). This compares with the 1988-89 total of 45,581 cars shipped to fresh domestic markets, about 64 percent of that year's crop.

Volume regulations issued under the authority of the Act and Marketing Order No. 907 are intended to provide benefits to growers. Growers benefit from increased returns and improved market conditions. Reduced fluctuations in supplies and prices result from regulating shipping levels and contribute to a more stable market. The intent of regulation is to achieve a more even distribution of oranges in the market throughout the marketing season.

Based on the Committee's marketing policy, the crop and market information provided by the Committee, and other information available to the Department, the costs of implementing the regulations are expected to be more than offset by the potential benefits of regulation.

Reporting and recordkeeping requirements under the navel orange marketing order are required by the Committee from handlers of navel oranges. However, handlers in turn may require individual growers to utilize certain reporting and recordkeeping practices to enable handlers to carry out their functions. Costs incurred by handlers in connection with recordkeeping and reporting requirements may be passed on to growers.

Major reasons for the use of volume regulations under this marketing order are to foster market stability and enhance grower revenue. Prices for navel oranges tend to be relatively inelastic at the grower level. Thus, even a small variation in shipments can have a great impact on prices and grower revenue. Under these circumstances, strong arguments can be advanced as to

the benefits of regulation to growers, particularly smaller growers.

At the beginning of each marketing year, the Committee submits a marketing policy to the U.S. Department of Agriculture (Department) which discusses, among other things, the potential use of volume and size regulations for the ensuing season. The Committee, in its 1989-90 season marketing policy, considered the use of volume regulation for the season. This marketing policy is available from the Committee or Ms. Pello. The Department reviewed that policy with respect to administrative requirements and regulatory alternatives in order to determine if the use of volume regulations would be appropriate. A "Notice of Marketing Policy" (notice), which summarized the Committee's marketing policy, was prepared by the Department and published in the October 19, 1989, issue of the *Federal Register* (54 FR 42966). The purpose of the notice was to allow public comment on the Committee's marketing policy and the impact of any regulations on small business activities.

The notice provided a 30-day period for the receipt of comments from interested persons. That comment period ended on November 20, 1989. Three comments were received. The Department is continuing its analysis of the comments received, and the analysis will be made available to interested persons. That analysis is assisting the Department in evaluating recommendations for the issuance of weekly volume regulations.

The Committee met publicly on February 27, 1990, in Visalia, California, to consider the current and prospective conditions of supply and demand and recommended, with seven members voting in favor, two opposing, and one abstaining, that 1,850,000 cartons is the quantity of navel oranges deemed advisable to be shipped to fresh domestic markets during the specified week. The marketing information and data provided to the Committee and used in its deliberations was compiled by the Committee's staff or presented by Committee members at the meeting. This information included, but was not limited to, price data for the previous week from Department market news reports and other sources, preceding week's shipments and shipments to date, crop conditions, weather and transportation conditions, and a reevaluation of the prior week's recommendation in view of the above.

The Department reviewed the Committee's recommendation in light of the Committee's projections as set forth in its 1989-90 marketing policy. This

recommended amount the same as that estimated in the January 9, 1990, tentative shipping schedule. Of the 1,850,000 cartons, 1,610,000 are allotted for District 1 and 240,000 are allotted for District 2. Districts 3 and 4 are not regulated since approximately 86 percent of District 3's crop and 95 percent of District 4's crop to date have been utilized and handlers would not be able to utilize their allotments.

During the week ending on February 22, 1990, shipments of navel oranges to fresh domestic markets, including Canada, totaled 1,908,000 cartons compared with 1,747,000 cartons shipped during the week ending on February 23, 1989. Export shipments totaled 274,000 cartons compared with 353,000 cartons shipped during the week ending on February 23, 1989. Processing and other uses accounted for 843,000 cartons compared with 988,000 cartons shipped during the week ending on February 23, 1989.

Fresh domestic shipments to date this season total 28,941,000 cartons compared with 24,001,000 cartons shipped by this time last season. Export shipments total 4,584,000 cartons compared with 3,719,000 cartons shipped by this time last season. Processing and other use shipments total 8,364,000 cartons compared with 7,995,000 cartons shipped by this time last season.

For the week ending on February 22, 1990, regulated shipments of navel oranges to the fresh domestic market were 1,881,000 cartons on an adjusted allotment of 1,899,000 cartons which resulted in net undershipments of 18,000 cartons. Regulated shipments for the current week (February 23 through March 1, 1990) are estimated at 1,800,000 cartons on an adjusted allotment of 1,829,000 cartons. Thus, undershipments of 29,000 cartons could be carried over into the week ending on March 8, 1990.

The average f.o.b. shipping point price for the week ending on February 22, 1990, was \$7.34 per carton based on a reported sales volume of 1,547,000 cartons compared with last week's average of \$7.35 per carton on a reported sales volume of 1,473,000 cartons. The season average f.o.b. shipping point price to date is \$7.63 per carton. The average f.o.b. shipping point price for the week ending on February 23, 1989, was \$6.76 per carton; the season average f.o.b. shipping point price at this time last season was \$7.63 per carton.

According to a February 9 crop report issued by the National Agricultural Statistics Service, citrus production as of February 1 is forecast at 9.92 million tons, 3 percent greater than in January but 23 percent below last season. This reduction was due to the severe freezing

temperatures in the Florida and Texas citrus belts during late December. Fruit droppage was heavy in most areas of Florida and the Texas harvest has ended. Orange production is up 17 percent from a January 1 forecast but 19 percent below last season. This decline was due mostly to Florida's 32 percent decrease from last season. The severe December freeze in Florida's citrus belt further reduced an already short Florida orange crop. The increase since January reflected better than expected salvage operations in Florida and increased production expectations in California. More information is expected to be available in a crop report that will be issued on March 9.

The Department's Market News Service reported that, as of February 27, overall demand for California-Arizona navel oranges was good for choice and moderate for first grade, and the market for both choice and first grade was "about steady." At the meeting, most Committee members characterized demand as moderate to weak. A fair amount of price discounting was also reported by Committee members. Committee members and observers discussed different levels of allotment as well as open movement. One member who recommended open movement gave several reasons supporting his position, such as increased market opportunities as a result of the Florida freeze and the increased competition for shelf space from other fruits. Two Committee members favored open movement while the majority of Committee members favored continuation of volume regulation at this time to maintain market stability.

The 1988-89 season average fresh equivalent on-tree price for California-Arizona navel oranges was \$3.86 per carton, 65 percent of the season average parity equivalent price of \$5.98 per carton.

Based upon fresh utilization levels indicated by the Committee and an econometric model developed by the Department, the 1989-90 season average fresh on-tree price is estimated to be between \$4.59 and \$4.84 per carton. This range is equivalent to 73 to 76 percent of the projected season average fresh on-tree parity equivalent price of \$6.33 per carton. Thus, the 1989-90 season average fresh on-tree price is not expected to exceed the projected season average fresh on-tree parity equivalent price.

Limiting the quantity of navel oranges that may be shipped during the period from March 2 through March 8, 1990, would be consistent with the provisions of the marketing order by tending to

establish and maintain, in the interest of producers and consumers, an orderly flow of navel oranges to market.

Based on considerations of supply and market conditions, and the evaluation of alternatives to the implementation of this volume regulation, the Administrator of the AMS has determined that this final rule will not have a significant economic impact on a substantial number of small entities and that this action will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is further found and determined that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice, engage in further public procedure with respect to this action and that good cause exists for not postponing the effective date of this action until 30 days after publication in the *Federal Register*. This is because there is insufficient time between the date when information became available upon which this regulation is based and the effective date necessary to effectuate the declared policy of the Act.

In addition, market information needed for the formulation of the basis for this action was not available until February 27, 1990, and this action needs to be effective for the regulatory week which begins on March 2, 1990. Further, interested persons were given an opportunity to submit information and views on the regulation at an open meeting, and handlers were apprised of its provisions and effective time. It is necessary, therefore, in order to effectuate the declared purposes of the Act, to make this regulatory provision effective as specified.

List of Subjects in 7 CFR Part 907

Marketing agreements, Oranges, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 907 is amended as follows:

1. The authority citation for 7 CFR part 907 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 907.1009 is added to read as follows:

Note: This section will not appear in the annual code of Federal Regulations.

§ 907.1009 Navel Orange Regulation 709.

The quantity of navel oranges grown in California and Arizona which may be handled during the period from March 2 through March 8, 1990, is established as follows:

- (a) District 1: 1,610,000 cartons;
- (b) District 2: 240,000 cartons;
- (c) District 3: unlimited cartons;
- (d) District 4: unlimited cartons.

Dated: February 28, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-5049 Filed 3-2-90; 8:45 am]

BILLING CODE 3410-02-M

7 CFR Part 959

[Docket No. FV-90-107]

Onions Grown in South Texas; Amendment to Continuing Handling Regulation to Authorize Two New Containers

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This final rule authorizes the use of 20 and 25-pound cartons for shipping South Texas onions to fresh markets under the container regulations of Marketing Order 959. Allowing handlers to ship onions in such containers should improve the position of the South Texas onion industry in the marketplace.

EFFECTIVE DATE: April 4, 1990.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone (202) 447-2431.

SUPPLEMENTARY INFORMATION:

This rule is effective under Marketing Agreement No. 143 and Marketing Order No. 959 (7 CFR part 959), both as amended, regulating the handling of onions grown in South Texas. The marketing agreement and order are authorized by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This final rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened.

Marketing orders issued pursuant to the Act, and rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 handlers of South Texas onions subject to regulation under the marketing order, and approximately 80 producers in the production area. The Small Business Administration (13 CFR 121.1) has defined small agricultural producers as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The great majority of handlers and producers of South Texas onions may be classified as small entities.

The South Texas Onion Committee (committee) originally projected 1989-90 season plantings at 14,500 acres. However, because of a damaging freeze in December this estimate has been revised downward to 14,000 acres and the expected yield has been reduced to 180 hundredweight per acre, down from an estimated 225 hundredweight per acre. This could result in production of 2,520,000 hundredweight, down 21 percent from 1988-89.

Handling requirements for South Texas onions are specified in § 959.322 (54 FR 8519, March 1, 1989). The current grade requirement specifies not more than 20 percent defects of U.S. No. 1 grade. In addition, onions are required to be packed in accordance with five size categories: Small, 1 to 2¼ inches; Repacker, 1¼ to 3 inches; Medium, 2 to 3½ inches; Jumbo or Large, 3 inches or larger; and Extra Large, 3¾ inches in diameter or larger. Containers authorized for use are 25- and 50-pound bags, 40- and 50-pound cartons, and 2-, 3-, 5-, and 10-pound consumer bags. These requirements are effective from March 1 through May 20 each year.

This final rule adds two smaller cartons to the list of containers presently authorized under the handling regulation. This change was unanimously recommended by the committee, which is responsible for local administration of the marketing order, at its October 31, 1989, meeting.

Handlers of South Texas onions have been using 20- and 25-pound cartons on an experimental basis for fresh market onion shipments, in accordance with § 959.322(f)(3) of the handling regulation. During the past two years, the committee authorized the use of approximately 800 cartons for such purpose. The 20-pound carton has approximate dimensions of 22¼ inches

(length) x 11 inches (width) x 4½ inches (height). The 25-pound carton has approximate dimensions of 19½ inches (length) x 11½ inches (width) x 7 inches (height). These cartons have been well received by the onion trade, and the committee believes that authorizing their unlimited use will have a positive impact on the industry.

In accordance with § 959.322(g), handlers wishing to use the 20- and 25-pound cartons were required to obtain experimental container exemptions by applying for and receiving a Certificate of Privilege from the committee. Handlers also were required to provide reports as requested by the committee. The committee believes that permitting handlers to use the smaller cartons and eliminating the need to apply for experimental container exemptions and submit related reports will encourage the industry to increase onion shipments. By providing additional flexibility in marketing onions, this action is expected to be beneficial to producers and handlers.

This action will reduce the information collection and recordkeeping requirements that are subject to the Paperwork Reduction Act of 1980 (44 U.S.C. chapter 35). These requirements have been previously approved by the Office of Management and Budget (OMB) and assigned OMB No. 0581-0074.

Based on the above, the Administrator of the AMS has determined that this action will not have a significant economic impact on a substantial number of small entities.

A proposed rule was published in the January 5, 1990, *Federal Register* (55 FR 437) and afforded interested persons until February 5, 1990, to submit written comments thereto. No comments were received. It is hereby found that the amendment to the handling regulation hereinafter set forth will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 959

Marketing agreements, Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 959 is amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 959.322 is amended by redesignating paragraphs (c)(4), (c)(5) and (c)(6) as (c)(6), (c)(7) and (c)(8)

respectively, and adding new paragraphs (c)(4) and (c)(5) to read as follows:

Note: This section will appear in the annual Code of Federal Regulations.

§ 959.322 Handling regulation.

* * *

(c) * * *

(4) 20-pound cartons with approximate dimensions of 22¼ inches (length) x 11 inches (width) x 4½ inches (height); or

(5) 25-pound cartons with approximate dimensions of 19½ inches (length) x 11½ inches (width) x 7 inches (height); or

* * *

Dated: February 27, 1990.

Robert C. Keeney,

Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-4853 Filed 3-2-90; 8:45 am]

BILLING CODE 3410-02-M

Commodity Credit Corporation

7 CFR Part 1421

Grains and Similarly Handled Commodities

AGENCY: Commodity Credit Corporation, USDA.

ACTION: Final rule.

SUMMARY: This final rule adopts without change a proposed rule published at 54 FR 52040 which amended 7 CFR part 1421 to set forth the terms and conditions under which the Commodity Credit Corporation (CCC) will permit grain which is produced by a participant in CCC price support program to be offered to CCC for price support. This rule also amends 7 CFR part 1421 to specify the terms and conditions for rotating Farmer-Owned Reserve (FOR) loan collateral in order to ensure that CCC's interest in the loan collateral is adequately protected.

EFFECTIVE DATE: March 5, 1990.

ADDRESSES: Director, Cotton, Grain and Rice Price Support Division, USDA-ASCS, P.O. Box 2415, Washington, DC 20013.

FOR FURTHER INFORMATION CONTACT: Harold Connor, Program Specialist, Cotton, Grain and Rice Price Support Division, USDA-ASCS, P.O. Box 2415, Washington, DC 20013. Telephone: (202) 447-8223.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and

Department Regulation No. 1512-1 and has been designated as "non-major".

It has been determined by an environmental evaluation that this action will have no significant impact on the quality of the human environment; therefore, neither an environmental assessment nor an environmental impact statement is needed.

The title and number of the Federal Assistance Program to which this interim rule applies are: Title-Commodity Loans and Purchases, Number 10.051 as found in the Catalog of Federal Domestic Assistance.

It has been determined that this action will not increase the federal paperwork burden for individual, small businessmen and other persons.

CCC is also not required by 5 U.S.C. 553 or any other provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this final rule. Therefore, the Regulatory Flexibility Act is not applicable.

Keith Bjerke, Executive Vice President, CCC hereby certifies that this rule will not have a significant economic impact on a substantial number of small entities because the action taken in this rule will reduce uncertainty in the operation of the program and will have the effect of stabilizing commodity supply and demand situations.

This activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to 7 CFR part 3015, subpart V published at 48 FR 29115 (June 23, 1983).

On December 20, 1989, (54 FR 52040), CCC published a proposed rule which would amend 7 CFR part 1421 to provide that purchased commodities may not be offered for price support loans or purchases. In addition, the proposed rule provided that purchased and prior year commodities may not be used to replace existing FOR loan collateral.

One comment was received in response to the proposed rule. The commentor was concerned with the effect adverse weather conditions will have on the producer's ability to rotate loan collateral. CCC has determined that, for loan collateral which can not be rotated with the producer's new crop for reasons beyond the producer's control, such as a short crop due to adverse weather conditions, the county ASC committee, may call the loan with respect to the quantity for which rotation was not completed, and may, if appropriate, waive liquidated damages.

List of Subjects in 7 CFR Part 1421

Grains, Loan program/agriculture,
Price support programs, Warehouses.

Final Rule

Accordingly, 7 CFR part 1421 is
amended as follows:

PART 1421—[AMENDED]

1. The authority citation continues to
read as follows:

Authority: 7 U.S.C. 1421, 1423, 1425, 1441,
1441-1, 1444b, 1445-2, 1445c-2, 1445e, 1446,
and 1447; 15 U.S.C. 714b and 714c.

§ 1421.3 [Amended]

2. In § 1421.3 paragraph (c) is removed
and reserved.

3. Section 1421.752 is amended by
revising the section heading and
paragraphs (b) and (c) revised to read as
follows:

**§ 1421.752 Commingling and replacement
of loan collateral.****(b) Replacement of loan collateral. (1)**

A producer may replace existing Grain
Reserve Program farm-stored loan
collateral only as provided in this
paragraph and paragraph (c) of this
section. Warehouse-stored loan
collateral may not be replaced. A
request for approval to replace farm-
stored collateral must be made by
completion of Form CCC-687-1 or CCC-
681 and the filing of the form with the
county ASCS office which disbursed the
loan. No request may be approved prior
to the date established for each county
by the State committee. Replacement
stocks must be in place within 60 days
of the date the requests to rotate is
approved by the county committee.

(2) Grain which is used to replace
existing loan collateral must have been
produced by the producer and be
eligible to be pledged as collateral for a
regular price support loan. Replacement
loan collateral must be grain from the
crop which is harvested after the date
established in accordance with
paragraph (b)(1) of this section. This
grain must not have been purchased and
must previously not have been pledged
as collateral for a CCC price support
loan. With respect to wheat, such
replacement stocks must be of the same
class as the original loan collateral.

(3) Producers who request to replace
existing Grain Reserve Program loan
collateral with new stocks must have
the replacement stocks in CCC-

approved farm storage within the
approved 60 day period. A producer
may only have replacement stocks in
place after this date if the producer
notifies the county ASC committee prior
to this date of the producer's inability to
harvest such stocks and the county
committee, with the concurrence of a
representative of the State committee,
determines that:

(i) The producer has made a good
faith effort to harvest such replacement
grain; and

(ii) The producer is unable to harvest
such eligible grain due to adverse
weather conditions, or other similar
conditions beyond the control of the
producer, as determined by CCC.

(4) A producer who does not have
replacement stocks in place by the date
specified in paragraph (b)(3) of this
section and does not meet the
conditions specified in such paragraph
shall pay to CCC an amount equal to the
sum of:

(i) The principal of the loan plus
interest at the rate in effect on the date
of the failure to have such stocks in
place, as provided in accordance with
part 1405 of this chapter, determined
from the date of the disbursement of the
loan through the date the stocks were
required to be in place;

(ii) Storage payments made in
accordance with the loan plus interest
from the date payments were made in
the manner specified in paragraph
(b)(4)(i) of this section; and

(iii) Liquidated damages at the rate of
50 percent of the interest rate in the
manner specified in paragraph (b)(4)(i)
of this section from the date the loan
was disbursed.

(c) *Procedure for replacement.* (1) A
producer who files a Form CCC-687-1 or
CCC-681 requesting the approval to
replace existing loan collateral with new
stocks may after approval of the
request:

(i) Feed the grain to the producer's
own livestock;

(ii) Deliver the grain to a CCC-
approved warehouse; or

(iii) Sell the grain.

(2) A producer who delivers grain to a
CCC-approved warehouse in
accordance with paragraph (c)(1) of this
section shall cause to be delivered to
CCC a warehouse receipt issued in the
name of CCC with respect to such grain.
The warehouse receipt shall show that
storage charges have been paid or
otherwise provided for through the final
date specified to complete the rotation.

CCC shall retain control of the receipt
until the producer has replaced the
original loan collateral with eligible
replacement stocks. Except as provided
in paragraph (b)(3) of this section, if the
producer fails to replace the rotated
stocks within the approved rotation
period CCC shall retain title to the
warehouse receipt and shall determine
the value of the grain represented by the
receipt. This value shall be credited to
the amount owed by the producer as
determined in accordance with
paragraph (b)(4) of this section.

(3) A producer who in accordance
with paragraph (c)(1) of this section,
sells the grain which is the collateral for
the CCC grain reserve loan shall only
sell such grain to the person specified in
the Form CCC-681. The purchaser shall
make and remit to CCC a check for the
full amount of the purchase. CCC shall
make these funds available to the
producer upon the replacement of the
original loan collateral with eligible
replacement stocks if such replacement
occurs prior to the final date of the
approved rotation period. Except as
provided in paragraph (b)(3) of this
section, if the producer has not acquired
eligible replacement stocks by this date,
the producer shall forfeit the sales
proceeds to CCC. This amount shall be
credited to the amount owed by the
producer as determined in accordance
with paragraph (b)(4) of this section.

(4) A producer who intends to feed
such grain to the producer's own
livestock, may only feed the quantity of
grain which was approved by the county
committee for such purposes.

(5) Any producer who files a Form
CCC-687-1 or CCC-681 with the county
committee shall not remove the existing
loan collateral until written approval
has been made by the county committee.
The producer shall allow a
representative of the county committee
to inspect and measure, at the
producer's expense, the quantity of grain
to be removed and the growing crop
which will be used as replacement
stocks upon harvest.

Signed at Washington, DC, on February 27,
1990.

Keith D. Bjerke,

Executive Vice President, Commodity Credit
Corporation.

[FR Doc. 90-4876 Filed 3-2-90; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

12 CFR Part 5

[Docket No. 90-5]

Rules, Policies and Procedures for Corporate Activities: Changes in Directors and Senior Executive Officers

AGENCY: Office of the Comptroller of the Currency, Treasury.

ACTION: Temporary rule with request for comment.

SUMMARY: This temporary rule implements section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 by adding a new section to 12 CFR part 5. The new section requires certain national banks to file a notice with the Office of the Comptroller of the Currency ("OCC") prior to adding or replacing a member of the board of directors, and prior to employing or changing the responsibilities of an individual to a position as senior executive officer. The OCC may disapprove any proposed board member or senior executive officer whose service is not considered to be in the best interests of the depositors of the national bank or the public.

DATES: This temporary rule is effective on March 5, 1990. Comments must be received on or before May 4, 1990.

ADDRESSES: Comments should be directed to: Docket No. 90-5, Communications Division, 5th Floor, 490 L'Enfant Plaza East, SW., Washington, DC 20219; Attention: Karen Carter. Comments will be available for public inspection and photocopying at the same location.

FOR FURTHER INFORMATION CONTACT: Frank R. Carbone, National Bank Examiner, Supervision Policy/Research Division, (202) 447-1164; Kathleen O'Brien, National Bank Examiner, Bank Organization and Structure, (202) 447-1184; or Thuy Dinh, Attorney, Legal Advisory Services Division, (202) 447-1882, Office of the Comptroller of the Currency, 490 L'Enfant Plaza East, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION:

DRAFTING INFORMATION: Principal drafters of this document were Gerard J. Sexton, Attorney, and Ford Barrett, Assistant Director, Legislative and Regulatory Analysis Division.

Background

On August 9, 1989, the President signed Public Law 101-73, the Financial

Institutions Reform, Recovery, and Enforcement Act of 1989.

Section 914, which is codified at 12 U.S.C. 1831i, requires specified categories of national banks to furnish the OCC with at least 30 days notice before adding any individual to the board of directors or employing any individual as a senior executive officer. A national bank is subject to the notice requirement if the bank: (1) Has been chartered for fewer than two years, or (2) has undergone a change in control within the preceding two years, or (3) is not in compliance with the minimum capital requirements applicable to it or is otherwise in a "troubled condition," as determined "on the basis of [the bank's] most recent report of condition or report of examination or inspection."

Section 914 also prohibits a national bank from adding the individual to the board, or employing the individual as a senior executive officer, if the OCC issues a notice of disapproval.

The OCC is implementing section 914 by means of a temporary rule, and national banks are required to comply beginning on the date of the rule's publication in the *Federal Register*. Comments will be received for 60 days after publication. A final rule will then be adopted with changes as warranted.

Issues

Comment is invited on any of the issues described below.

1. *Definition of senior executive officer.* The term "senior executive officer" is defined to include any individual who exercises significant influence over, or participates in, major policymaking decisions of a national bank without regard to title, salary or compensation. Certain positions, listed in generic form, are automatically covered.

The term "senior executive officer" also includes an employee of an organization, such as a consulting firm, who actually performs the functions of a position covered by the regulation on behalf of a national bank.

2. *Definition of troubled condition.* The term "troubled condition" is defined to include all national banks with a composite rating of 4 or 5 under the Uniform Financial Institutions Rating System, as well as all banks subject to a cease and desist proceeding or order or a formal written agreement, unless the bank is otherwise informed by the OCC in writing.

The term "troubled condition" also includes a national bank that is informed in writing as a result of a supervisory analysis that it has been designated as in "troubled condition" for purposes of this regulation.

3. *Prior notice requirement.* Three categories of national banks must file a

notice of intent to add a director or employ a senior executive officer. The first category is a national bank chartered for fewer than two years. The second category is a national bank that, within the preceding two years, has undergone a change in control requiring a notice to be filed under the Change in Bank Control Act, 12 U.S.C. 1817(j), or under OCC's implementing regulation, 12 CFR 5.50. The third category is a national bank that is not in compliance with the minimum capital requirements applicable to it or that is otherwise in troubled conditions.

Of the three categories, the second is the most subject to differing interpretations. Because section 914 refers to "change in control" in a generic sense rather than specifically to the Change in Bank Control Act, it might be argued that the new statute encompasses all changes in control, including mergers and acquisitions of a bank by a bank holding company which are exempted from the Change in Bank Control Act by U.S.C. 1817(j)(17) and OCC regulations, 12 CFR 5.50 (f) and (g)(1)(ii). OCC believes, however, that Congress did not intend to cover every transaction that might be characterized as a change in control. Evidence that Congress had the Change in Bank Control Act in mind is the express reference, elsewhere in section 914, to section 7(j)(6)(A), which describes the kind of information to be submitted in the notice. Moreover, the standard for disapproval in section 914 (not in the best interests of the depositors or the public) is virtually identical to one of the standards for disapproval in the Change in Bank Control Act, 12 U.S.C. 1817(j)(7)(D). Finally, the legislative history of section 914 shows no Congressional dissatisfaction with exemptions contained in the Change in Bank Control Act and adopted by the regulatory agencies; if Congress thought that the exemptions were inappropriate, the legislative history of section 914 presumably would have so indicated.

Thus, the temporary regulation does not require prior notice of the addition of a director or the employment of a senior executive officer within two years of a change in control exempted in 12 CFR 5.50 (f) and (g)(1)(ii).

An additional issue is whether section 914's notice requirement covering the "employment of any individual as a senior executive officer" includes promotions and lateral transfers to that position. OCC believes that it does, and therefore the temporary rule requires a notice whenever there is a "change in responsibilities" of any individual resulting in his or her assumption of a senior executive officer position. With respect to section 914's coverage of the

"proposed addition of any individual to the board of directors," the temporary rule covers not only increases in board membership but also replacements and the filling of vacancies on the board.

4. *Effective date.* This temporary rule is effective on the day it is published in the *Federal Register*. Thus, every national bank chartered or subject to a non-exempt change in control after the effective date of this temporary rule must comply with the rule's notice requirement for a period of two years. Additionally, a national bank that is less than two years old on the effective date, or that underwent a non-exempt change in control less than two years before the effective date, is covered by the notice requirement until the two years has elapsed. For example, a new national bank chartered in March 1989 would remain covered until March 1991, and therefore a notice would have to be filed for any addition to the board or any employment of a senior executive officer effected prior to March 1991.

Similarly, a national bank that underwent a non-exempt change in control in March 1989 would be covered by the temporary rule until March 1991 for any addition to the board or any employment of a senior executive officer.

Since section 914 became effective upon the signature of the President on August 9, 1989, the OCC reserves the right, on a case by case basis, to require a national bank to file the notice required by section 914 for changes in senior executive officers and directors occurring from August 9, 1989, until the date this temporary rule is published in the *Federal Register*.

5. *Effect on other statutes.* Although section 914's notice requirement applies to a national bank that has been chartered fewer than two years, a national bank that has undergone a change in control within the preceding two years, and a national bank subject to certain enforcement proceedings, the OCC does not believe Congress intended to repeal other statutory authority permitting OCC to require notice in the same situations. Specifically, section 914 does not displace or supersede OCC's authority implied in the National Bank Act's chartering provisions (12 U.S.C. 21 *et seq.*) to require, as a condition of granting the charter, prior review of proposed changes in executive officers for two years. Such a condition has been imposed on new bank charters for many years and, unlike the prior review authority in section 914, does not require the OCC complete its review and issue a notice of disapproval within 30 days.

Similarly, the OCC believes that section 914 does not displace or repeal section 7(j)(12) of the Federal Deposit Insurance Act, 12 U.S.C. 1817(j)(12), which states that whenever a change in control occurs, the bank "shall report promptly * * * any changes or replacement of its chief executive officer or of any director occurring in the next twelve-month period. * * *". This authority likewise does not require OCC to complete its review and act on any such report in 30 days.

Finally, the OCC believes that section 914 does not displace or repeal any provision of section 8(b) of the Federal Deposit Insurance Act, 12 U.S.C. 1818(b). This statute authorizes the OCC to include a provision in a cease and desist order requiring a national bank to take "affirmative action to correct the conditions resulting from [any] violation or practice". Under this authority, the OCC can require a national bank to obtain prior approval from the OCC before a proposed individual becomes a director of, or is employed by, the national bank. This authority does not require the OCC to complete its review and act on a proposed individual in 30 days.

6. *Miscellaneous issues.* Although the definition of "national bank" includes any Federal branch or Federal agency, this temporary rule is not intended to cover a change in a senior executive officer or a director of a foreign bank that operates a Federal branch or Federal agency. With respect to the Federal branch or agency, the chief managing official is covered.

This temporary rule also does not cover an advisory director as that term is defined in Federal Reserve Regulation O, 12 CFR 215.2(c).

Regulatory Flexibility Act

Pursuant to the Regulatory Flexibility Act, 5 U.S.C. 605(b), it is certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a Regulatory Flexibility Analysis is not required. This temporary rule implements section 914 of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989, and does not significantly increase the burden imposed by the statute.

Executive Order 12291

OCC has determined that this amendment is not a "major rule" and therefore does not require a Regulatory Impact Analysis. This temporary rule will not have an annual effect on the economy of \$100 million or more; result in a major increase in costs or prices for consumers, individual industries,

Federal, State or local government agencies, or geographic regions; have a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or foreign markets.

Adoption Without Notice and Comment and Reason for Immediate Effective Date

The OCC has determined that there is good cause for adopting this temporary rule immediately upon publication in the *Federal Register* without prior notice and comment. Adoption with notice and comment 30 days after publication is contrary to the public interest. Section 914 requires OCC to review the competence, experience, character and integrity of an individual proposed for a position as a director or senior executive officer of certain national banks. This requirement is intended to enhance the safety and soundness of the national banking system. For this reason, Congress decided to make the requirement effective immediately upon the signing of the Financial Institutions Reform, Recovery, and Enforcement Act on August 9, 1989. Unless this regulation is made immediately effective, the OCC cannot perform its statutorily mandated responsibilities, thus creating a risk to the safety and soundness of the national banking system. Any increased risk to the national banking system is contrary to the public interest.

List of Subjects in 12 CFR Part 5

National banks, Banking, Corporate activities, Senior executive officer, Director, Notice.

Authority and Issuance

For the reasons set forth in the preamble, part 5 of chapter I of title 12 of the Code of Federal Regulations is amended as set forth below:

PART 5—[AMENDED]

1. The authority citation for Part 5—Rules, Policies, and Procedures for Corporate Activities continues to read as follows:

Authority: 12 U.S.C. 1 *et seq.*; 12 U.S.C. 93(a).

2. A new § 5.51 is added to read as follows:

§ 5.51 Changes in directors and senior executive officers.

(a) Authority. 12 U.S.C. 1831i.

(b) *Rules of General Applicability.* Sections 5.4, 5.5 and 5.8 thru 5.11 do not apply to changes in directors and senior

executive officers. Section 5.12 applies, except that the last day of any applicable period shall be included regardless of whether it is a Saturday, Sunday or legal holiday.

(c) *Definitions.*—(1) *Director.* The term "director" includes every national bank director except an advisory director who is not elected by the shareholders of the bank or any of its parents, who is not authorized to vote on matters before the board of directors, and who provides solely general policy advice to the board of directors.

(2) *National Bank.* The term "national bank" includes any national bank, any district bank, and any Federal branch or Federal agency.

(3) *Senior Executive Officer.* The term "senior executive officer" means any individual who exercises significant influence over, or participates in, major policymaking decisions of a national bank without regard to title, salary, or compensation. The term includes but is not limited to the positions of: president, chief executive officer, chief managing official (in a Federal branch or Federal agency operated by a foreign bank), chief operating officer, chief financial officer, chief lending officer, or chief investment officer. The term also includes employees of entities retained by a national bank to perform such functions in lieu of directly hiring the individuals.

(4) *Troubled Condition.* The term "troubled condition" means a national bank that:

- (i) Has a composite rating of 4 or 5 under the Uniform Financial Institutions Rating Systems; or
- (ii) Is subject to a cease and desist proceeding or order, or a formal written agreement, unless otherwise informed in writing by the Office; or
- (iii) Is informed in writing as a result of a supervisory analysis that it has been designated as in "troubled condition" for the purposes of this section.

(d) *Prior Notice.* (1) A national bank shall provide written notice to the Office at least 30 days prior to the effective date of any addition or replacement of a member of the board of directors, or the employment or change in responsibilities of any individual to a position as a senior executive officer, if:

- (i) The national bank has been chartered less than two years; or
- (ii) Within the preceding two years the national bank has undergone a change in control that required a notice to be filed under the Change in Bank Control Act or § 5.50; or
- (iii) The national bank is not in compliance with the minimum capital requirements applicable to such

institution or is otherwise in troubled condition.

(e) *Procedures.* (1) *Filing Notice.* Notices shall be filed with the OCC District or Field Office responsible for the direct supervision of the national bank, except that multinational banks shall file with the Deputy Comptroller for Multinational Banking. Notice forms and instructions can be found in section 64 of the Comptroller's Manual for Corporate Activities. The Comptroller or his designee may require additional information. Each individual on whose behalf a notice is filed must attest to the validity of the information filed pertaining to that individual. The 30-day notice period will begin to run on the date the Office determines that all required information has been provided and notifies the bank that the notice is technically complete.

(2) *Notice of Disapproval.* The Office may disapprove an individual proposed as a member of the board of directors or senior executive officer upon determining that, on the basis of the individual's competence, experience, character, or integrity, it would not be in the best interests of the depositors of the bank or in the best interests of the public to permit the individual to be employed by, or associated with, the national bank. If the Office disapproves an individual, the bank will be notified. The notice of disapproval will contain a statement of the basis for disapproval.

(3) *Notice of Intent Not to Disapprove.* An individual proposed as a member of the board of directors or a senior executive officer may begin service before the expiration of the 30-day period if the Office notifies the national bank of an intention not to disapprove.

(4) *Waiver of Prior Notice.* (i) Upon petition to the appropriate OCC supervisory office, the Office may waive the prior notice requirement but not the filing required under this section if the Office finds that delay could harm the national bank or the public interest or that other extraordinary circumstances justify waiving prior notice. If a waiver is granted, the required notice shall be filed within the time period specified in the waiver. A waiver shall not affect the authority of the Office to issue a notice of disapproval within 30 days of the receipt of a technically complete notice.

(ii) In the case of the election at a meeting of the shareholders of a new director not proposed by management, such waiver is granted, but a completed notice must be filed with the appropriate OCC supervisory office within 48 hours of the election.

(5) *Commencement of Service.* An individual proposed as a member of the board of directors or senior executive

officer may begin service upon the expiration of the 30-day period following notification of a technically complete notice unless the Office issues a notice of disapproval by the end of the 30-day period.

(f) *Appeal.* Within 15 days of receipt of a notice of disapproval, the disapproved individual or the bank may appeal the disapproval on the ground that the reasons given for disapproval are contrary to fact, that such reasons are insufficient to justify disapproval, or both. The appeal shall be addressed to the Comptroller, and shall attach whatever documents and written argument the appealing party wishes to be considered in support of the appeal. The notice of disapproval shall be sustained unless the appealing party carries the burden of demonstrating to the satisfaction of the Comptroller or his designee that the reasons given for the disapproval are contrary to fact or that such reasons are insufficient to justify the disapproval. Written notice of the final decision of the Comptroller or his designee shall be sent to the appealing party.

Dated: February 28, 1990.
Robert L. Clarke,
Comptroller of the Currency.
[FR Doc. 90-4890 Filed 3-2-90; 8:45 am]
BILLING CODE 4810-33-M

Office of Thrift Supervision

12 CFR Part 510

[No. 90-295]

Availability of Reports of Examination and Other Unpublished Information

AGENCY: Office of Thrift Supervision, Treasury.

ACTION: Final rule.

SUMMARY: The Office of Thrift Supervision ("Office") is amending 12 CFR part 510 to clarify that reports of examination and other information of the Office are the property of the Office and can only be released in specifically limited circumstances. The amendment provides that institutions or individuals in possession of documents or information of the Office, and served with a subpoena or request for production of such documents or information, notify the Office of such service or request and notify the court or tribunal of the requirements of this section. Finally, the amendment also requires that institutions or individuals served with such subpoena or request respectfully refuse to produce such documents or information until the

Office has authorized the release. These requirements parallel requirements that formerly appeared in the regulations of the Federal Home Loan Bank Board ("Board"). Those requirements were inadvertently left out of the recent recodification of the Board's regulations as regulations of the Office.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Charlotte Kaplow, Assistant Chief Counsel for Litigation, (202) 906-6557, or Scott E. Schwartz, Trial Attorney, Litigation Division, (202) 906-6361, Office of Thrift Supervision, 1700 G Street, NW., Washington, DC 20552.

SUPPLEMENTARY INFORMATION: The Freedom of Information Act regulations of the Board, prior to implementation of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 ("FIRREA"), at 12 CFR 505.5(b) and (c), and 505.6, contained the language added here. Subsequent to enactment of the FIRREA and the abolishment of the Board and the creation of the Office of Thrift Supervision as a component of the Department of the Treasury, the rule was inadvertently not included in the recodification of 12 CFR chapter V. The policy of the Office has been, and remains, that Reports of Examination and other information of the Office are property of the Office, regardless of where such reports or information are physically located. As such, they may only be made available by the Office, not by other persons or entities to whom they may have been provided by the Office. The Freedom of Information Act, 5 U.S.C. 552, and the regulations of the Treasury Department, 31 CFR part 1, subpart A, and the Office, 12 CFR part 505, govern the release of such information by the Department of the Treasury and the Office. It is the intent of the rulemaking to extend such principles to information which would have been subject to such procedures were they held by the Office.

Administrative Procedure Act

The Director is adopting this regulation as a final rule effective on publication in the *Federal Register*, without the usual notice and comment period or delayed effective date provided for in the Administrative Procedure Act, 5 U.S.C. 553 ("APA").

The Director finds that because this technical amendment deals with a matter of agency management in that Examination Reports are property of the Office this final rule is exempt from the notice and comment requirements and the 30-day delay of the effective date pursuant to 5 U.S.C. 553(a)(2).

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this regulation, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12291

This regulation does not fall within the scope of Executive Order 12291 as it is being adopted as a matter of agency organization and management by the Office.

List of Subjects in 12 CFR Part 510

Administrative practice and procedure.

Accordingly, the Director hereby amends part 510, subchapter A, chapter V, title 12 Code of Federal Regulations, as set forth below.

PART 510—MISCELLANEOUS ORGANIZATIONAL REGULATIONS

1. The authority citation for part 510 continues to read as follows:

Authority: Sec. 3, as added by sec. 301, 103 Stat. 278 (12 U.S.C. 1462a); sec. 4, as added by sec. 301, 103 Stat. 280 (12 U.S.C. 1463); sec. 5, 48 Stat. 132, as amended (12 U.S.C. 1464).

2. Section 510.5 is added to read as follows:

§ 510.5 Availability of reports of examination.

(a) *Information available to savings associations and to State and Federal agencies.* A copy of each report of the regular examination of each savings association or affiliate is made available by the appropriate District Office to the institution examined. Reports of examination and other information relating to State-chartered savings associations and affiliates are made available, upon request, by the Office to the State governmental authority having general supervision of such State chartered savings association. Reports of examination and other information may be made available by the Office to other agencies of the United States, a State, or to the Federal Home Loan Banks, for use where necessary in the performance of their official duties. All reports or other information made available pursuant to this paragraph shall remain the property of the Office and, except as otherwise provided in this part, no person, agency, or authority to whom the information is made available, or any officer, director, or employee thereof, shall disclose any such information ("unpublished information") except published statistical material that would not

disclose the identity of any individual or corporation.

(b) *Prohibition against disclosure.* Except as otherwise authorized by this part or otherwise by the Office, no officer, employee, or agent of the Office shall disclose or permit the disclosure of any unpublished information of the Office to anyone (other than an officer, employee, or agent of the Office properly entitled to such information for the performance of their official duties), whether by giving out or furnishing such information or a copy thereof or by allowing any person to inspect, examine, or copy such information or copy thereof, or otherwise. Notwithstanding the foregoing, unpublished economic, statistical, or similar information or unpublished information regarding interpretations by the Office of statutory or regulatory provisions may be disclosed, orally or in writing, by any officer, employee, or agent of the Office, acting in their capacity as agent of the Office, subject, however, to the restrictions stated in 31 CFR part 1, subpart A.

(c) *Advice by person served.* If any person, whether or not an officer or employee of the Office, has information of the Office that may not be disclosed under the regulations of the Office, or other applicable law, and in connection therewith is served with a subpoena, order, or other process requiring personal attendance as a witness or production of documents or information in any proceeding, that person shall promptly advise the Office of such service or request for information. Upon such notice the Office will take appropriate action to advise the court or tribunal which issued the process and the attorney for the party at whose instance the process was issued, if known, of the substance of these rules. Such notice to the Office shall be made by contacting the Litigation Division, Office of Thrift Supervision, (202) 906-6557.

(d) *Appearance by person served.* Except as the Office has authorized disclosure of the relevant information, or except as authorized by law, any person who has information of the Office that may not be disclosed under these rules and is required to respond to a subpoena or other legal process shall attend at the time and place therein mentioned and respectfully decline to produce such information or give any testimony with respect thereto, basing such refusal on this part. If, notwithstanding, the court or other body orders the disclosure of such information or the giving of such testimony, the person having such

information of the Office shall continue respectfully to decline to produce such information and shall promptly advise the Litigation Division, Office of Thrift Supervision, (202) 906-6557. Upon such notice the Office will take appropriate action to advise the court or tribunal which issued the order, of the substance of these rules.

Dated: February 5, 1990.

By the Office of Thrift Supervision.

M. Danny Wall,
Director.

[FR Doc. 90-4863 Filed 3-2-90; 8:45am]

BILLING CODE 6720-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 89-NM-237-AD; Amdt. 39-6524]

Airworthiness Directives; Boeing Model 747 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the *Federal Register* and makes effective as to all persons an amendment adopting Airworthiness Directive (AD) T89-23-53, which was previously made effective as to all known U.S. owners and operators of Boeing Model 747 series airplanes by individual telegrams. This AD requires a one-time external detailed visual and external high frequency eddy current inspection to detect cracks at certain stringer fastener locations, and repair, if necessary. This action is prompted by a report from an operator who found multiple longitudinal skin cracks. This condition, if not corrected, could result in rapid decompression of the airplane.

EFFECTIVE DATES: March 19, 1990, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T89-23-53, issued November 9, 1989, which contained this amendment.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Dan R. Bui, Airframe Branch, ANM-

120S; telephone (206) 431-1919. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On November 2, 1989, the FAA issued telegraphic AD T89-23-51, applicable to Boeing Model 747 series airplanes, which required a one-time external detailed visual and external high frequency eddy current inspections for cracks at all stringer fastener locations from body station (BS) 340 to BS 400 left and right hand side of the airplane and between stringer (S) 6 and S-14. That action was prompted by a report of an operator who found multiple longitudinal skin cracks between BS 360 and BS 380 along the fasteners at S-7, S-8, and S-9, while conducting a Supplemental Structural Inspection Document (SSID) inspection of the right side upper deck crew service door edge frame on a Model 747 series airplane with 18,455 flight cycles.

Subsequent to the issuance of AD T89-23-51, an operator reported finding multiple longitudinal skin cracks between BS 340 and BS 440 along the fasteners at S-8 through S-14 while performing the inspections required by AD T89-23-51 on a Model 747 series airplane with 18,299 flight cycles. This new information indicated that the inspection requirements of AD T89-23-51 needed to be expanded to detect all cracks. Such cracking, if not corrected, could result in rapid decompression of the airplane.

Additionally, the applicability of AD T89-23-51 had excluded airplanes on which the section 41 Zone One modification (in accordance with Boeing Service Bulletin 747-53-2272) had been accomplished. However, reports of skin cracks on modified airplanes were received and the FAA determined that these airplanes must also be subject to the inspection requirements of the AD.

Therefore, on November 9, 1989, the FAA issued telegraphic AD T89-23-53, which superseded AD T89-23-51, to require a one-time external detailed visual and external high frequency eddy current inspection for cracks at all stringer fastener locations from BS 220 to BS 520 on the left and right hand sides of the airplane, and between S-6 and S-20, and repair, if necessary. Additionally, operators are required to report their inspection findings to the FAA. This is considered to be interim action until final action has been identified, at which time the FAA may consider further rulemaking.

This AD is applicable to all airplanes through line number 430, which have accumulated more than 15,500 cycles.

Starting with airplane line number 431, the design of the affected areas was changed, and airplanes with this design change are not subject to the cracking addressed in this AD action.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on November 9, 1989, to all known U.S. owners and operators of Boeing Model 747 series airplanes. These conditions still exist, and the AD is hereby published in the *Federal Register* as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations (FAR) to make it effective as to all persons.

Information collection requirements contained in this regulation have been approved by the Office of Management and Budget (OMB) under the provision of the Paperwork Reduction Act of 1980 (Pub. L. 96-511) and have been assigned OMB Control Number 2120-0056.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Federal Aviation Administration has determined that this regulation is an emergency regulation that is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Model 747 series airplanes, line number 001 through 430 and which have accumulated over 15,500 cycles as of November 9, 1989, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent rapid decompression of the airplane, accomplish the following:

A. Within the next 30 days after the effective date of this AD, conduct an external detailed visual and external high frequency eddy current inspection for cracks of the fuselage skin from Body Station (BS) 220 to BS 520 left and right hand side of the airplane and between Stringer (S) 6 and S-20 (inspect only top row of fasteners at S-14 and S-19), in accordance with Boeing Alert Service Bulletin 747-53A2321, dated October 31, 1989.

B. If cracks are detected, repair prior to further flight, in accordance with Boeing Alert Service Bulletin 747-53A2321, dated October 31, 1989, or the 747 Structural Repair Manual (SRM).

C. Flight cycles at 2.0 PSI or less cabin differential pressure need not be counted for purpose of this airworthiness directive.

D. For Model 747SR airplanes only, the threshold specified herein may be multiplied by the 1.2 adjustment factor based on continued mixed operation at lower cabin pressure differentials.

E. Within 10 days after the completion of the inspections required by paragraph A., above, submit a report of findings of cracks, to the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Reports must include a description of the location and size of all cracks found, the aircraft serial number, and the number of flight cycles on the airplane.

F. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Seattle Aircraft Certification Office.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This AD supersedes Telegraphic AD T89-23-51, issued on November 2, 1989.

This amendment becomes effective March 19, 1990, as to all persons, except those persons to whom it was made immediately effective by Telegraphic AD T89-23-53, issued November 9, 1989, which contained this amendment.

Issued in Seattle, Washington, on February 22, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service;
[FR DOC. 90-4941 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-10-AD; Amdt. 39-6523]

Airworthiness Directives; Boeing Model 757 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action publishes in the *Federal Register* and makes effective as to all persons an amendment adopting Airworthiness Directive (AD) T90-03-51, which was previously made effective as to all known U.S. owners and operators of Boeing Model 757 series airplanes, equipped with Rolls Royce engines, by individual telegrams. This AD requires inspection for cracked midspar fuse pins and replacement of the pins, if necessary. This action is prompted by a recent report of an operator finding two completely fractured midspar fuse pins on the same strut on an airplane equipped with Rolls Royce engines. This condition, if not corrected, could result in the separation of the strut and engine from the wing.

EFFECTIVE DATES: March 19, 1990, as to all persons except those persons to whom it was made immediately effective by telegraphic AD T90-03-51,

issued January 30, 1990, which contained this amendment.

ADDRESSES: The applicable service information may be obtained from Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas Rodriguez, Airframe Branch, ANM-120S; telephone (206) 431-1928. Mailing address: FAA Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: On January 30, 1990, the FAA issued telegraphic AD T90-03-51, applicable to all Boeing Model 757 airplanes equipped with Rolls Royce engines, which requires inspection for cracked midspar fuse pins and replacement of the pins, if necessary. That action was prompted by a recent report from an operator who found two completely fractured midspar fuse pins on the same strut on a Boeing Model 757 series airplane equipped with Rolls Royce engines. The cause of the fracturing is attributed to fatigue. This condition, if not corrected, could result in the separation of the strut and engine from the wing.

The FAA has reviewed and approved Boeing Alert Service Bulletin 757-54A0020, Revision 1, dated January 30, 1990, which describes procedures for the inspection of the nacelle strut fuse pins to detect cracks, and replacement, if necessary.

Since it was found that immediate corrective action was required, notice and public procedure thereon were impracticable and contrary to the public interest, and good cause existed to make the AD effective immediately by individual telegrams issued on January 30, 1990, to all known U.S. owners and operators of Boeing Model 757 series airplanes equipped with Rolls Royce engines. These conditions still exist, and the AD is hereby published in the *Federal Register* as an amendment to § 39.13 of part 39 of the Federal Aviation Regulations (FAR) to make it effective as to all persons.

This is considered to be interim action until a modification is designed that will preclude the unsafe condition addressed in this AD action. Once this modification is designed, approved, and available, the FAA may consider further rulemaking action.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The Federal Aviation Administration has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant/major regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed in the regulatory docket (otherwise, an evaluation or analysis is not required). A copy of it, when filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Applies to Boeing Model 757 series airplanes, equipped with Rolls Royce engines, certificated in any category. Compliance required as indicated, unless previously accomplished.

To prevent the separation of the strut and engine from the wing, accomplish the following:

A. Prior to the accumulation of 5,000 flight cycles on a new fuse pin or within the next 30 days after the effective date of this AD, whichever occurs later, and thereafter at

intervals not to exceed 1,500 cycles, conduct an inspection of the midspar fuse pins to detect cracks, in accordance with Boeing Alert Service Bulletin 757-54A0020, Revision 1, dated January 30, 1990.

B. If cracks are found, prior to further flight, replace the midspar fuse pin in accordance with Boeing Alert Service Bulletin 747-54A0020, Revision 1, dated January 30, 1990.

C. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Seattle Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through a FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Seattle Aircraft Certification Office.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer, may obtain copies upon request to Boeing Commercial Airplanes, P.O. Box 3707, Seattle, Washington 98124. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 19, 1990, as to all persons, except those persons to whom it was made immediately effective by telegraphic AD T90-03-51, issued January 30, 1990, which contained this amendment.

Issued in Seattle, Washington, on February 22, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-4940 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-233-AD; Amdt. 39-6525]

Airworthiness Directives; British Aerospace Model BAe 146-100A and -200A Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146-100A and -200A series airplanes, which requires installation of

new roller bearing pins at the forward top position on flap track No. 3 lower carriage assemblies. This amendment is prompted by structural testing by the manufacturer which revealed inadequate strength under certain conditions in the forward top roller bearing pins on the lower carriage on right and left flap track No. 3. This condition, if not corrected, could result in the inability of the flap system to sustain expected loads, which would adversely affect airplane controllability.

EFFECTIVE DATE: April 9, 1990.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 431-1565. Mailing Address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain British Aerospace Model BAe 146-100A and -200A Series airplanes, which requires installation of new roller bearing pins at the forward position on flap track No. 3 lower carriage assemblies, was published in the *Federal Register* on December 15, 1989 (54 FR 51417).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supported the rule.

After careful review of available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 54 airplanes of U.S. registry will be affected by this AD, that it will take approximately 9 manhours per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. The estimated cost for the required modification kit is \$885 per airplane. Based on these figures, the total cost impact of the AD

on U.S. operators is estimated to be \$67,230.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Applies to Model BAe 146-100A and -200A series airplanes, as listed in British Aerospace Service Bulletin 57-24-00911A, Revision 1, dated May 1, 1988, certificated in any category. Compliance is required within 180 days after the effective date of this AD, unless previously accomplished.

To prevent inability of the flap system to sustain expected loads and prevent reduction of airplane controllability, accomplish the following:

A. Install new roller bearing pins at the forward top position on the right and left flap track No. 3 lower carriage assemblies, in accordance with British Aerospace Service Bulletin 57-24-00911A, Revision 1, dated May 1, 1988.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 9, 1990.

Issued in Seattle, Washington, on February 22, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-4942 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-NM-232-AD; Amdt. 39-6526]

Airworthiness Directives; British Aerospace Model BAe 146-200A and -300A Series Airplanes Equipped With Modification HCM30107C and HCM30300A

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain British Aerospace Model BAe 146-200A and -300A series airplanes, which requires an inspection of the cabin insulation bags between frames 19 to 26, and frames 32 to 40, inclusive, to ensure adequate clearance between the insulation bags and the floor, and modification, if necessary. This amendment is prompted by a report of insufficient clearance between the lower edge of the cabin insulation bags and the floor structure. This condition, if

not corrected, could result in restricted airflow from above the cabin floor to below in the event of rapid decompression, which could result in extensive structural damage to the airplane.

EFFECTIVE DATE: April 9, 1990.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT:

Mr. William Schroeder, Standardization Branch, ANM-113; telephone (206) 431-1565. Mailing Address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION:

A proposal to amend part 39 of the Federal Aviation Regulations to include a new airworthiness directive, applicable to certain British Aerospace Model BAe 146-200A and -300A series airplanes, which requires an inspection of the cabin insulation bags between frames 19 to 26, and frames 32 to 40, inclusive, to ensure adequate clearance between the insulation bags and the floor, and modification, if necessary, was published in the *Federal Register* on December 15, 1989 (54 FR 51416).

Interested persons have been afforded an opportunity to participate in the making of this amendment. Due consideration has been given to the single comment received.

The commenter supported the rule.

After careful review of available data, including the comment noted above, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 3 airplanes of U.S. registry will be affected by this AD, that it will take approximately one manhour per airplane to accomplish the required actions, and that the average labor cost will be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$120.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels

of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

British Aerospace: Applies to Model BAe 146-200A and -300A series airplanes, equipped with Modification HCM30107C and HCM30300A, as listed in British Aerospace Inspection Service Bulletin 25-A157, dated August 14, 1989, certificated in any category. Compliance is required within 30 days after the effective date of this AD, unless previously accomplished.

To ensure unrestricted passage of air from above the cabin floor to below the floor in the event of rapid decompression, accomplish the following:

A. Inspect the cabin insulation bags between frames 19 to 26, and frames 32 to 40, inclusive, both left and right sides of the cabin, to ensure the lower edge of the insulation bag is 4 inches above the level of the floor structure, in accordance with British Aerospace Service Bulletin 25-A157, dated August 14, 1989.

1. If sufficient clearance is found, reassemble parts and return the airplane to service.

2. If insufficient clearance is found, prior to further flight, modify the insulation bags by folding under the lower edge and securing the

insulation bags, in accordance with the service bulletin.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Librarian for Service Bulletins, P.O. Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective April 9, 1990.

Issued in Seattle, Washington, on February 22, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 90-4943 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 88-NM-84-AD; Amdt. 39-6503]

Airworthiness Directives; McDonnell Douglas Model DC-3, DC-3A, DC-3B, DC-3C, DC-3D, Super DC-3S, DST, and (Military) C-41, C-47, C-48, C-49, C-50, C-51, C-52, C-53, C-68, C-84, C-117, R4D Series Airplanes, Including Those Modified for Turbo-Propeller Power

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to all McDonnell Douglas Model DC-3 series airplanes, including turbo-propeller conversions, which requires supplemental structural inspections and repair or replacement, as necessary, to ensure continued operational safety. This amendment is prompted by a structural reevaluation which has identified certain significant

structural components to inspect for fatigue cracks as these airplanes approach and exceed the manufacturer's original design life. Fatigue cracks in these areas, if not detected and corrected, could result in a compromise of the structural integrity of these airplanes.

DATES: Effective April 19, 1990.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of April 19, 1990.

ADDRESSES: The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington; at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., Room 8301, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Mr. Don Dirian, Aerospace Engineer, Airframe Branch ANM-123L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California 90808; telephone (213) 988-5234.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal Aviation Regulations to include an airworthiness directive, applicable to McDonnell Douglas Model DC-3 series airplanes, which requires supplemental structural inspections, was published in the Federal Register on September 20, 1989 (54 FR 38689).

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received in response to the proposal.

Since issuance of the NPRM, McDonnell Douglas has issued Revision 1 of the Supplemental Inspection Document, dated January 1990. This revision contains merely editorial corrections and clarifies the X-ray inspection technique procedures. The final rule has been revised to reflect this revised document as the appropriate service information source.

After careful review of the available data, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 600 airplanes of U.S. registry will be affected by this AD, that it will take approximately 20

manhours per airplane to inspect each Principal Structural Element (PSE) at an average labor cost of \$40 per manhour. Based on these figures, the average initial cost of inspection per PSE is estimated to be \$800.

Implementation of the required inspections will occur on a staggered basis; that is, each PSE has been assigned an inspection threshold, measured in terms of total accumulated flight hours, at which the inspection process will begin. The first PSE inspection will be required when the airplane's airframe accumulates 20,000 hours, while the twentieth (and final) PSE inspection is not required until the airplane accumulates 73,000 hours on the airframe.

Information gathered from the manufacturer and operators indicates that the average Model DC-3 airplane will require approximately 4.38 initial PSE inspections immediately following issuance of this AD. Based on these figures, the average immediate cost impact of this AD on U.S. operators is estimated to be \$3,500 per airplane, or \$2,100,000 for the U.S. fleet.

Continuing inspection costs will largely depend upon each airplane's logged time in the air and average utilization rate. Sample data has shown that, over the next 15 years, each affected airplane will require between 1.595 and 3.514 additional initial PSE inspections per year, and between 1.784 and 10.838 recurring PSE inspections per year. Based on these figures, the total cost impact of this AD is estimated to be between \$4,933 and \$9,600 per airplane over the next 15 years, or between \$2,995,800 and \$5,760,000 for the U.S. fleet over the next 15 years. These figures equal an average annual cost impact of between \$133 and \$640 per airplane.

The FAA's criteria for a "significant impact" is at least \$3,700 per year for an unscheduled carrier and \$51,800 per year for a scheduled carrier operating small aircraft of fewer than 60 seats, such as the Model DC-3.

According to FAA registration records, the mean number of Model DC-3 aircraft registered per owner is about 1.6 and the median number is 1. The largest number of these aircraft currently operating in a single fleet is 12. Because the average annual cost per airplane has been estimated at no more than \$640, there can be no significant economic impact on an unscheduled carrier unless:

1. At least (\$3,700/\$640) 6 of such aircraft are being operated, or
2. It has a relatively large number of very old aircraft logging an unusually high amount of air time.

For this reason, the final rule is not expected to have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A final evaluation has been prepared for this action and is contained in the regulatory docket. A copy of it may be obtained from Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety, Incorporation by reference.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

McDonnell Douglas: Applies to McDonnell Douglas Model DC-3, DC-3A, DC-3B, DC-3C, DC-3D, Super DC-3S, DST, and (Military) C-41, C-47, C-48, C-49, C-50, C-51, C-52, C-53, C-68, C-84, C-117, R4D series airplanes, including those modified for turbo-propeller power, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To ensure the continuing structural integrity of these airplanes, accomplish the following:

- A. Within one year after the effective date of this AD, incorporate a revision into the

FAA-approved maintenance inspection program which provides for inspection of the Principal Structural Elements (PSE) defined in Chapter I, Section 6, and Chapter III of McDonnell Douglas Corporation, Report No. L26-013, "DC-3 Supplemental Inspection Document (SID)," Revision 1, dated January 1990. The non-destructive inspection techniques set forth in the SID provide acceptable methods for accomplishing the inspections required by this AD. All inspection results (negative or positive) must be reported to McDonnell Douglas Corporation, in accordance with the instructions of the SID.

B. Cracked structure detected during the inspection required by paragraph A., above, must be repaired or replaced, prior to further flight, in accordance with instructions in the SID.

C. Special flight permits may be issued in accordance with FAR 21.199 or 21.197 to operate airplanes to a base in order to comply with the requirements of this AD.

D. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Los Angeles Aircraft Certification Office.

The requirements of this rule shall be done in accordance with McDonnell Douglas Corporation Report No. L26-013, "DC-3 Supplemental Inspection Document (SID)," Revision 1, dated January 1990. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846. Copies may be inspected at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington; at the Los Angeles Aircraft Certification Office, 3229 East Spring Street, Long Beach, California; or at the Office of the Federal Register, 1100 L Street NW., Room 8301, Washington, DC.

This amendment becomes effective April 9, 1990.

Issued in Seattle, Washington, on January 26, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.
[FR Doc. 90-4944 filed 3-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-19-AD; Amdt. 39-6530]

Airworthiness Directives; SAAB-Scania Model SF-340A and SAAB 340B Series Airplanes**AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD), applicable to certain SAAB-Scania Model SF-340A and SAAB 340B series airplanes, which requires an inspection of the drag strut bolts, lower fittings, and attaching bolts to verify the type of nuts/collars installed; and replacement with proper parts, if necessary. This amendment is prompted by recent reports of loose nuts found in the lower drag strut support fittings. This condition, if not corrected, could result in loss of structural integrity of the powerplant installation and subsequent damage to the engine forward frame.

EFFECTIVE DATE: March 21, 1990.

ADDRESSES: The applicable service information may be obtained from SAAB-Scania AB, Product Support, S-581.88, Linköping, Sweden. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark Quam, Standardization Branch, ANM-113; telephone (206) 431-1978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: The Luftfartsverket (LFV), which is the airworthiness authority of Sweden, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on certain SAAB-Scania Model SF-340A and SAAB 340B series airplanes. There have been recent reports of loose nuts found in the lower drag strut support fittings. The loose fittings found have been attributed to those installed with a specific nut that apparently fails to retain proper tension. This condition, if not corrected, could result in loss of structural integrity of the powerplant installation and subsequent damage to the engine forward frame.

SAAB-Scania has issued Service Bulletin SAAB 340-54-026, dated December 1, 1989, which describes procedures to inspect the drag strut

bolts, lower fittings, and attaching bolts to verify the type of nuts/collars installed; and replacement, if necessary. The LFV has classified this service bulletin as mandatory, and has issued Airworthiness Directive SAD No. 1-034 addressing this subject.

This airplane model is manufactured in Sweden and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, this AD requires an inspection of the drag strut bolts, lower fittings, and attaching bolts to verify the type of nuts/collars installed; and replacement, if necessary, in accordance with the service bulletin previously described.

This is considered to be interim action until final action is identified, at which time the FAA may consider further rulemaking.

Since a situation exists that requires immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable, and good cause exists for making this amendment effective in less than 30 days.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

The FAA has determined that this regulation is an emergency regulation and that it is not considered to be major under Executive Order 12291. It is impracticable for the agency to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the regulatory docket (otherwise, an evaluation is not required). A copy of it, if filed, may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) [Revised Pub. L. 97-449, January 12, 1983]; and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

SAAB-Scania: Applies to Model SF-340A series airplanes, Serial Numbers 004 through 159; and SAAB 340B series airplanes, Serial Numbers 160 through 166; certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent the loss of structural integrity of the powerplant installation, accomplish the following:

A. Within 50 hours time-in-service after the effective date of this AD, inspect the drag strut bolts, lower fittings, and attaching bolts to verify the type of nuts/collars installed, in accordance with SAAB Service Bulletin 340-54-026, dated December 1, 1989.

1. If the inboard and outboard lower drag strut support fittings have been installed with Hi-Lock pins and MS nuts, Part No. MS21042L3, no further action is required.

2. If the inboard and outboard lower drag strut support fittings have not been installed with MS21042L3 nuts, prior to further flight, accomplish the following:

a. Remove the seven collars at the lower drag strut support fitting, in accordance with Figure 1 of the service bulletin.

b. Perform a visual inspection for defects around the hole edges. If defects are found, repair prior to further flight, in a manner approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

c. Install MS21042L3 nuts, and AN960KD10 or AN960KD10L washers, in accordance with paragraph 2.B.(4) of the service bulletin.

B. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

C. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to

operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service information from the manufacturer may obtain copies upon request to SAAB-Scania, Product Support, S-581.88, Linköping, Sweden. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or at the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 21, 1990.

Issued in Seattle, Washington, on February 23, 1990.

Darrell M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-4945 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 89-ASW-23; Amdt. No. 39-6527]

Airworthiness Directives; Tracor Aerospace, Inc., TA-7800 Omega/VLF Navigation Systems Computers With Certain Receiver Processor Units (RPU) Installed

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) which requires replacement of certain Tracor Aerospace, Inc., Navigation Systems software on various small and large airplanes. The AD is needed to prevent serious navigation errors which could cause loss of an aircraft.

EFFECTIVE DATE: April 4, 1990.

Compliance: Required within the next 10 hours' time in service after the effective date of the AD, unless already accomplished.

ADDRESSES: The applicable service bulletin may be obtained from: Manager, Technical Services, Tracor Aerospace, Inc., 6500 Tracor Lane, Austin, Texas 78725-2070, or may be examined in the Regional Rules Docket, Office of the Assistant Chief Counsel, FAA, 4400 Blue Mound Road, Bldg. 3B, Room 158, Fort Worth, Texas.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas S. Donnelly, Federal Aviation Administration, Special Programs Office, ASW-192, Fort Worth, Texas 76193-0190; telephone (817) 624-5189.

SUPPLEMENTARY INFORMATION: A proposal to amend part 39 of the Federal

Aviation Regulations to include an AD requiring replacement of certain Tracor Aerospace, Inc., navigation systems software of various small and large airplanes was published in the Federal Register on July 31, 1989 (54 FR 31533).

The proposal was prompted by a report of a DC-8 aircraft being off course approximately 300 miles to the North, while en route to Honolulu, Hawaii, from Los Angeles, California. This navigation error was caused by failure of the Tracor Aerospace, Inc., TA-7800 Omega Navigation System software to recognize a weak Great Britain (GBR) radio signal. This software anomaly allowed the system to operate in the Dead Reckoning Mode without the required annunciation to the flightcrew.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Two comments were received. One commenter, the manufacturer, requested that the FAA remove the word "defective" in reference to the software in the preamble of the notice, since the sentence, without the word "defective" still conveyed the intent to the reader. This correction is inappropriate inasmuch as the notice has already been published. This characterization does not, however, appear in the final rule. The other commenter pointed out that TA-7800 was installed in a Avion Marcel Dassault Model 20 rather than a Falcon 50 as noted in the NPRM. The FAA concurs, and the final rule has been revised accordingly. Except for the change in the applicability statement to refer to the Dassault Model 20, the final rule is adopted as proposed.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism implications to warrant preparation of a Federalism Assessment.

The FAA has determined that this proposed regulation involves 167 airplanes of various types in the world fleet. It is estimated that 150 airplanes of U.S. Registry would be affected by this AD; that it would take approximately 1 manhour per airplane to accomplish the required actions; and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. Operators is estimated to be \$6,000. Therefore, I certify that this action: (1) Is not a "major rule" under Executive Order 12291; (2) is not a "significant rule"

under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Regional Rules Docket. A copy of it may be obtained from the Regional Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR 39.13) as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

Tracor Aerospace, Incorporated: Applies to TA-7800 Omega/VLF Navigation Systems, with receiver processor unit (RPU) Part Numbers (P/N) 138000-7004, -7007, -7017, -7114, -7115, -7117, -7124, -7125, -7127, -7204, -7224, -7227, and -7247 with software program No. 851001 or 851002 installed in, but not limited to, the following airplanes by certain Supplemental Type Certificates (STC): Boeing Models 707, 727, and 737; McDonnell Douglas MD-80, DC-8, DC-9; Lockheed Models L-382, Jetstar 1329; Beech Model 200; Cessna Model 441; Avions Marcel Dassault Model 20; Piper Model PA-42; Hawker Siddeley Model HS-125; Fairchild Swearingen SA226T(B); North American Rockwell Model NA-265, and General Dynamics Model 22 (Convair 800). (Docket No. 89-ASW-23)

Compliance is required as indicated, unless already accomplished.

To prevent navigation errors when using the Great Britain (GBR) radio station, which could result in loss of the aircraft, accomplish the following:

(a) Within the next 10 hours' time in service, accomplish the following:

(1) Fabricate a placard with the words, "DESELECT 58 PRIOR TO EACH FLIGHT" using letters 0.125 inches high or greater, or use the placard supplied by Tracor Aerospace in Service Bulletin (SB) 138000-00-01, dated January 24, 1989. Mount this placard on the uppermost part of each TA-7800

Omega/VLF Navigation Control Display Unit (CDU).

(2) Thereafter, prior to each flight and until the TA-7800 software Program No. 851001 or 851002 is replaced as described in paragraph (b), deactivate the GBR VLF radio station by deselecting 58 as follows:

(i) Turn the CDU function select switch to the TEST position.

(ii) Press the CLR (clear) function on the data keyboard.

(iii) Key 58 into the left window on CDU.

(iv) Press the ENT (enter) function on the data keyboard.

(v) Press CLR (clear), O, ENT (enter) functions on the data keyboard.

(vi) Verify the left window on the CDU displays "58 OFF" and the right window displays a single digit and the letter "O."

(b) Within 90 days after the effective date of this AD, remove the Tracor TA-7800 RPU P/N's 138000-7004, -7007, -7017, -7114, -7115, -7117, -7124, -7125, -7127, -7204, -7224, -7227, and -7247 with software program No. 851001 or 851002, and replace with Tracor TA-7800 RPU P/N's 138000-7004, -7007, -7017, -7114, -7115, -7117, -7124, -7125, -7127, -7204, -7224, -7227, and -7247 with software program No. 890201 or 890202 respectively.

(1) Verify the software identification numbers as follows:

(i) Turn the function select switch on the CDU panel to the TEST position.

(ii) Press CLR (clear), 19, ENT (enter) on the data keyboard.

(iii) Verify program No. 890201 or 890202 in the right-hand display of the CDU.

Note: Software program Nos. 890201 and 890202 replace software program Nos. 851001 and 851002, respectively.

(2) Add the software verification test procedure specified in (b)(1)(iii) above to the Limitations Section of the related FAA-approved Airplane Flight Manual Supplement (AFMS). This may be accomplished by inserting a copy of this AD in the AFMS Limitations Section.

(3) After verification of the software specified in (b)(1)(iii) above has been completed satisfactorily, remove and discard the "DESELECT 58 PRIOR TO EACH FLIGHT" placard.

(4) Replace the Tracor TA-7800 pilot guide, publication T7800-3A, Revisions 1 through 5, with Tracor publication T7800-3A, Revision No. 6, dated April 14, 1989, which lists software program Nos. 890201 and 890202.

Note: A revised pilot guide will be supplied by Tracor and shipped with each reworked receiver processor unit.

(c) In accordance with FAR § 43.9, make a log book entry which shows compliance with this AD.

(d) An alternate means of compliance or adjustment of the compliance time, which provides an equivalent level of safety, may be used when approved by the Manager, Special Programs Office, Aircraft Certification Service, FAA, Southwest Region, Fort Worth, TX 76193-0190.

(e) Special flight permits may be issued in accordance with FAR §§ 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

Issued in Fort Worth, Texas, on February 23, 1990.

John J. Shapley,

Acting Manager, Rotorcraft Directorate,
Aircraft Certification Service.

[FR Doc. 90-4946 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 97

[Docket No. 26135; Amdt. No. 1419]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of the adoption of new or revised criteria, or because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

EFFECTIVE DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference—approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matters incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;
2. The FAA Regional Office of the region in which the affected airport is located; or
3. The Flight Inspection Field Office which originated the SIAP.

For Purchase—

Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA-200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or
2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—

Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT:

Paul J. Best, Flight Procedures Standards Branch (AFS-420), Technical Programs Division, Flight Standards Service, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267-8277.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description of each SIAP is contained in official FAA form documents which are incorporated by reference in this amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation Regulations (FAR). The applicable FAA Forms are identified as FAA Forms 8260-3, 8260-4, and 8260-5. Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the *Federal Register* expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction on charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

This amendment to part 97 is effective on the date of publication and contains separate SIAPs which have compliance dates stated as effective dates based on related changes in the National Airspace System or the application of new or revised criteria. Some SIAP amendments may have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for some SIAP amendments may require

making them effective in less than 30 days. For the remaining SIAPs, an effective date at least 30 days after publication is provided.

Further, the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Approach Procedures (TERPs). In developing these SIAPs, the TERPs criteria were applied to the conditions existing or anticipated at the affected airports. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are unnecessary, impracticable, and contrary to the public interest and, where applicable, that good cause exists for making some SIAPs effective in less than 30 days.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Approaches, Standard Instrument, Incorporation by reference. Issued in Washington, DC on February 16, 1990.
Daniel C. Beaudette,
Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 G.M.T. on the dates specified, as follows:

PART 97—[AMENDED]

1. The authority citation for part 97 continues to read as follows:

Authority: 49 U.S.C. 1348, 1354(a), 1421 and 1510; 49 U.S.C. 106(g) (Rev. Pub. L. 97-449, January 12, 1983); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

§§ 97.23, 97.25, 97.27, 97.29, 97.31, 97.33 and 97.35 [Amended]

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

• • • Effective May 3, 1990

Pago Pago, American Samoa—Pago Pago International, NDB-C, Amdt. 6
Long Beach, CA—Long Beach (Daugherty Field), VOR or TACAN RWY 30, Amdt. 7
Long Beach, CA—Long Beach (Daugherty Field), NDB RWY 30, Amdt. 9
Long Beach, CA—Long Beach (Daugherty Field), ILS RWY 30 Amdt. 32
St. Petersburg, FL—Albert Whitted, VOR RWY 18, Amdt. 6
Cartersville, GA—Cartersville, NDB RWY 18 Orig.
Waverly, IA—Waverly Muni, VOR-A, Amdt. 3
Bunkie, LA—Bunkie Municipal, VOR/DME-A, Amdt. 3
Vicksburg, MS—Vicksburg Muni, NDB RWY 1, Amdt. 1
Broken Bow, NE—Broken Bow Muni, VOR RWY 14, Amdt. 2
Broken Bow, NE—Broken Bow Muni, NDB RWY 14, Amdt. 6
Grant, NE—Grant Muni, NDB RWY 14, Amdt. 1
Grant, NE—Grant Muni, NDB RWY 32, Amdt. 1
Ogallala, NE—Searle Field, VOR RWY 8, Amdt. 3
Ogallala, NE—Searle Field, VOR RWY 26, Amdt. 3

• • • Effective April 5, 1990

Montague, CA—Siskiyou County, NDB-A, Amdt. 7
Augusta, GA—Daniel Field, NDB/DME-C, Amdt. 2
Flemingsburg, KY—Fleming-Mason, NDB RWY 25, Amdt. 5
Flemingsburg, KY—Fleming-Mason, VOR/DME-A, Amdt. 3
Greenville, NC—Pitt-Greenville, ILS RWY 19, Amdt. 1
Pawtucket, RI—North Central State, VOR-A, Amdt. 5
Pawtucket, RI—North Central State, VOR-B, Amdt. 5
Pawtucket, RI—North Central State, NDB RWY 5, Amdt. 1

• • • Effective March 8, 1990

Pawtucket, RI—North Central State, LOC RWY 5, Amdt. 4
Pawtucket, RI—North Central State, RNAV RWY 5, Amdt. 5
Pawtucket, RI—North Central State, RNAV RWY 23, Amdt. 4

• • • Effective February 2, 1990

Washington, DC—Dulles Intl, ILS-2 RWY 19L, Amdt. 1

Washington, DC—Dulles Intl, ILS-2 RWY 19R, Amdt. 1.

[FR Doc. 90-4947 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-13-M

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 30

Foreign Option Transactions

AGENCY: Commodity Futures Trading Commission.

ACTION: Order.

SUMMARY: The Commodity Futures Trading Commission ("Commission") is authorizing option contracts on the Three Month Eurodeutschmark Interest Rate futures contract traded on the London International Financial Futures Exchange ("LIFFE") to be offered or sold to persons located in the United States. This Order is issued pursuant to: (1) Commission rule 30.3(a), 52 FR 28980, 28998 (August 5, 1987), which makes it unlawful for any person to engage in the offer or sale of a foreign option product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States; and (2) The Commission's Order dated September 5, 1989, 54 FR 37636 (September 12, 1989), authorizing certain option products traded on LIFFE to be offered or sold in the United States.

EFFECTIVE DATE: April 4, 1990.

FOR FURTHER INFORMATION CONTACT:

David A. Naatz, Esq., Division of Trading and Markets, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Telephone: (202) 254-8955.

SUPPLEMENTARY INFORMATION: The Commission has issued the following Order:

United States of America Before the Commodity Futures Trading Commission

Order Under CFTC Rule 30.3(a) Permitting Option Contracts on the Three Month Eurodeutschmark Interest Rate Futures Contract Traded on the London International Financial Futures Exchange to be Offered or Sold in the United States Thirty Days after Notice to the Commission and Publication in the Federal Register.

By Order dated September 5, 1989 ("Initial Order"), the Commission authorized, pursuant to Commission rule 30.3(a),¹ certain option products traded

¹ Commission rule 30.3(a), 52 FR 28980, 28998 (August 5, 1987), makes it unlawful for any person to engage in the offer or sale of a foreign option

Continued

on the London International Financial Futures Exchange ("LIFFE") to be offered or sold in the United States. 54 FR 37636 (September 12, 1989). Among other conditions, the Initial Order specified that:

except as otherwise permitted under the Commodity Exchange Act and regulations thereunder, * * * no offer or sale of any LIFFE option product in the United States shall be made until thirty days after publication in the **Federal Register** of notice specifying the particular option(s) to be offered or sold pursuant to this Order * * *.

By letter dated February 12, 1990, LIFFE represented that its Board approved that day, for introduction of LIFFE on March 1, 1990, the Three Month Eurodeutsche mark Interest Rate futures contract. Accordingly, LIFFE has requested that the Commission supplement its Initial Order authorizing options on Long Gilt, U.S. Treasury Bond, German Government Bond, Three-Month Sterling Interest Rate and Three-Month Eurodollar Interest Rate contracts and on Sterling Currency and Dollar-Mark Currency by also authorizing LIFFE's option contract on the Three Month Eurodeutsche mark Interest Rate futures contract to be offered and sold to persons in the United States. Upon due consideration, and for the reasons previously discussed in the Initial Order, the Commission believes that such authorization should be granted.

Accordingly, pursuant to Commission rule § 30.3(a) and the Commission's Initial Order dated September 5, 1990, and subject to the terms and conditions

specified therein, the Commission hereby authorizes LIFFE's option on the Three Month Eurodeutsche mark Interest Rate futures contract to be offered or sold to persons located in the United States thirty days after publication in the **Federal Register**.

Contract Specifications

Option on Three-Month Eurodeutsche mark Interest Rate Future

Unit of Trading: One Eurodeutsche mark futures contract.

Delivery/Expiry Months: March, June, September, December.

Delivery Day/Exercise Day/Expiry Day: Exercise by 17.00 on any business day. Delivery on the first business day after the exercise day. Expiry at 17.00 on last trading day. Automatic exercise of in-the-money options on last trading day.

Last Trading Day: 11.00. Last trading day of Eurodeutsche mark futures contract.

Quotation: Multiples of 0.01 (i.e., 0.01%).

Minimum Price Movement (Tick Size and Value): 0.01 (DM25.00).

Initial Margin (Straddle Margin): See footnotes.

Trading Hours: 08.02–16.10.

Footnotes:

Contract Standard: Assignment of one Eurodeutsche mark futures contract for the delivery month at the exercise price.

Exercise Price Intervals: 0.25 (i.e., 0.25%), e.g., 91.00, 91.25, 91.50, etc.

Introduction of New Exercise Prices: Nine exercise prices will be listed for new series. Additional prices will be introduced on the

business day after the Eurodeutsche mark futures contract settlement price is within 0.12 of the fourth highest or lowest existing exercise price.

Initial Margin: Initial margin charged by the clearinghouse for long and short option positions is calculated with reference to daily published risk factors and the level of initial margin for the related futures contract which it cannot exceed. Initial margin is reduced for all options and options-futures combinations which include offsetting positions.

Option Price: The contract price is payable by the buyer to the seller on exercise or expiry of the option, not at the time of purchase. Positions are marked to market daily.

List of Subjects in 17 CFR Part 30

Commodity futures, Commodity options, Foreign commodity options.

Amendment of Appendix B

Accordingly, 17 CFR part 30 is amended as set forth below:

PART 30—FOREIGN FUTURES AND FOREIGN OPTION TRANSACTIONS

1. The authority citation for part 30 continues to read as follows:

Authority: Secs. 2(a)(1)(A), 4, 4c, and 8a of the Commodity Exchange Act, 7 U.S.C. 2, 6, 6c, and 12a (1982).

2. Appendix B to part 30 is amended by adding the following entry alphabetically:

Appendix B—Option Contracts Permitted To Be Offered and Sold in the U.S. Pursuant to § 30.3(a)

Exchange	Type of contract	FR date and citation
London International Financial Futures Exchange.....	Option contract on three-month Eurodeutsche mark interest rate futures contract.	1990; _____ FR _____

Issued in Washington, DC, on February 26, 1990.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-4802 Filed 3-2-90; 8:45 am]

BILLING CODE 0351-01-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 270

[Release No. IC-17357; International Series No. 119]

RIN: 3235-AD65

Purchases by Registered Investment Companies of the Securities of Foreign Banks and Foreign Insurance Companies

AGENCY: Securities and Exchange Commission.

ACTION: Final rule.

SUMMARY: The Commission today adopted a rule under the Investment Company Act of 1940 to ease restrictions on registered investment companies' acquisitions of the securities of foreign banks and foreign insurance companies, and the securities of finance subsidiaries of such entities, under certain circumstances. The rule is intended to provide registered investment companies with more flexibility in making such acquisitions, and will have the effect of permitting registered investment companies to

product until the Commission, by order, authorizes such foreign option to be offered or sold in the United States.

pursue a broader range of investment policies.

EFFECTIVE DATE: April 4, 1990.

FOR FURTHER INFORMATION CONTACT:

Ann M. Glickman, Special Counsel, (202) 272-3042, or Karen L. Skidmore, Assistant Director, (202) 272-2048, Office of Regulatory Policy, Division of Investment Management, 450 Fifth Street, NW., Washington, DC 20549.

SUPPLEMENTARY INFORMATION: The Securities and Exchange Commission is adopting rule 12d1-1 under the Investment Company Act of 1940 (15 U.S.C. 80a-1 *et seq.*) (the "Act"). The rule will permit registered investment companies to purchase without limitation the securities of foreign banks and foreign insurance companies, and their finance subsidiaries, without regard to the provisions of section 12(d)(1)(A) of the Act (15 U.S.C. 80a12(d)(1)(A)).

Rule 12d1-1 under the Act was proposed in Investment Company Act Release No. IC-17084 (International Series No. 110) on July 26, 1989 (54 FR 31850, August 2, 1989) (the "Proposing Release"). The Commission has received five letters of comment in response to the proposal.¹ The rule, as adopted, reflects the views of the commenters on alternative versions of definitional language presented in the Proposing Release, and has also been modified in minor respects to address commenters' concerns.

This release will summarize the background and substance of the rule proposal, the comments received, and the provisions of the rule in its final form.

Executive Summary

Rule 12d1-1 exempts registered investment companies from the provisions of section 12(d)(1)(A) of the Act to the extent necessary to permit them to acquire without limitation the securities of "foreign banks" and "foreign insurance companies," as those terms are defined in the rule, and of finance subsidiaries of these entities. Section 12(d)(1)(A) makes it unlawful for a registered investment company to acquire securities issued by any other investment company in excess of certain limitations. The broad definition of the term "investment company" in sections 3(a)(1) and 3(a)(3) of the Act (15 U.S.C. 80a-3(a)(1) and 15 U.S.C. 80a-3(a)(3))

may include not only those organizations typically regarded as investment companies, but also foreign banks and foreign insurance companies; while section 3(c)(3) of the Act (15 U.S.C. 80a3(c)(3)) specifically excludes "banks" and "insurance companies" from being deemed investment companies, the Act's definitions of these terms do not include foreign banks and foreign insurance companies. Similarly, finance subsidiaries of those entities fall within the definition of "investment company," but are unable to rely on the exception provided by rule 3a-5 under the Act (17 CFR 270.3a-5) because their parent companies are within the definition of an investment company under section 3(a) of the Act and are not exempted by any rule or order under section 3(b) of the Act (15 U.S.C. 80a-3(b)).

Foreign banks and foreign insurance companies (either directly or through their finance subsidiaries) provide registered investment companies with significant investment opportunities. Thus, the rule affords such companies the flexibility to take advantage of those opportunities to the greatest extent possible.

Background

A. Introduction

Section 12(d)(1)(A) of the Act imposes limitations on the amount of securities of investment companies which may be acquired by other investment companies registered under the Act.² Specifically, that section provides as follows:

It shall be unlawful for any registered investment company (the "acquiring company") and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any other investment company (the "acquired company"), and for any investment company (the "acquiring company") and any company or companies controlled by such acquiring company to purchase or otherwise acquire any security issued by any registered investment company (the "acquired company"), if the acquiring company and any company or companies controlled by it immediately after such purchase or acquisition own in the aggregate—

(i) More than 3 per centum of the total outstanding voting stock of the acquired company;

(ii) Securities issued by the acquired company having an aggregate value in excess of 5 per centum of the value of

the total assets of the acquiring company; or

(iii) Securities issued by the acquired company and all other investment companies (other than Treasury stock of the acquiring company) having an aggregate value in excess of 10 per centum of the value of total assets of the acquiring company.

Section 12(d)(1)(A) in its present form was enacted as a part of the Investment Company Amendments Act of 1970.³ The legislative history of the provision indicates that section 12(d)(1)(A) was intended primarily to address concerns about fund holding companies. Specifically, it was believed that the exercise of control of a registered investment company by a fund holding company, or a group of related fund holding companies, could be disadvantageous to other investors in the controlled company, or that the threat of redemption by a large holder could unduly influence the prudent management of the registered investment company. Further, the fund holding company structure involved a layering of costs to investors, such as advisory fees, administrative expenses, sales loads and brokerage fees. The disadvantages of the fund holding company structure were not offset adequately by any benefits from diversification which might be offered by a fund investing in other investment companies. Thus, section 12(d)(1)(A) was intended to limit the formation of fund holding companies.⁴

B. Status of foreign banks and insurance companies under the Act

Section 12(d)(1)(A) does not restrict registered investment companies' acquisitions of securities of United States banks and insurance companies, primarily because section 3(c)(3) of the Act specifically excludes "any bank or insurance company" from the definition of "investment company." However, the definitions of the terms "bank" and "insurance company" do not include foreign entities.⁵ Therefore, to the extent that foreign banks and foreign insurance companies are involved in owning, holding, trading, investing or reinvesting in securities, they may be deemed to be

³ Pub. L. 91-547, enacted December 14, 1970.

⁴ See the Proposing Release for a more complete discussion of the legislative history of section 12(d)(1)(A).

⁵ See section 2(a)(5) of the Act (15 U.S.C. 80a-2(a)(5)) for the definition of the term "bank"; section 2(a)(17) of the Act (15 U.S.C. 80a-2(a)(17)) contains the definition of the term "insurance company."

¹ These letters are available for public inspection in Commission File No. S7-20-89.

² The section also limits the amount of securities of registered investment companies that may be acquired by any other investment company, whether registered or not.

investment companies under the Act,⁶ and registered investment companies would be subject to the limitations of the section with respect to investments in them.

At the same time, the Commission has long recognized that most foreign banks and foreign insurance companies are very unlike domestic investment companies, and need not be regulated in the same manner. Following a long series of exemptive orders under section 6(c) of the Act (15 U.S.C. 80a-6(c)) for the sale by foreign banks of their debt securities within the United States,⁷ the Commission in 1987 adopted rule 6c-9 under the Act (17 CFR 270.6c-9). That rule permits foreign banks and their finance subsidiaries to sell debt securities and non-voting preferred stock without registration under the Act.⁸ The Commission also has granted exemptive orders under section 6(c) to foreign banks selling equity securities within the United States, and to foreign insurance companies contemplating debt and equity offerings.⁹

⁶ See sections 3(a)(1) and 3(a)(3) of the Act for definitions of the term "investment company" and related definitions.

⁷ Section 6(c) provides as follows:

The Commission, by rules and regulations upon its own motion, or by order upon application, may conditionally or unconditionally exempt any person, security, or transaction, or any class or classes of persons, securities, or transactions, from any provisions of this title or of any rule or regulation thereunder, if and to the extent that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of this title.

See the Proposing Release at note 15 for examples of such exemptive orders granted.

⁸ Investment Company Act Rel. No. 16093 (October 29, 1987) [52 FR 42280, Nov. 4, 1987]. The finance subsidiaries of foreign banks (or foreign insurance companies) could not rely on the existing finance subsidiary rule, rule 3a-5, to sell debt securities in the United States. The types of subsidiaries who may rely on rule 3a-5 are those owned by a "parent company," as defined in the rule. "Parent company" means

(A) any corporation, partnership or joint venture:

(i) That is not considered an investment company under section 3(a) or that is excepted or exempted by order from the definition of investment company by section 3(b) or by the rules or regulations under section 3(a);

(ii) That is organized or formed under the laws of the United States or of a state or that is a foreign private issuer; and

(iii) In the case of a partnership or joint venture, each partner or participant in the joint venture meets the requirements of paragraphs (b)(2)(i) and (ii).

In contrast, foreign banks (or insurance companies) are exempted from the Act by rule or order under section 6(c).

⁹ See the Proposing Release at notes 16 and 20 for examples of orders granted to foreign banks and foreign insurance companies, respectively.

The Commission similarly believes that the limitations imposed by section 12(d)(1)(A) need not apply to registered investment company purchases of foreign bank and foreign insurance company securities. The problems posed by the control of investment companies by fund holding companies do not arise in the case of a registered investment company investing in foreign bank or foreign insurance company securities. For example, since foreign banks and foreign insurance companies do not typically issue redeemable securities, there is no threat of control or disruption of portfolio management because of a fear of large redemptions. In addition, the potential for layering of costs is virtually non-existent since those entities generally do not pay advisory fees or charge sales loads. Further, because banks and insurance companies are engaged in businesses that are not simply investment businesses, the purchase of securities of a number of different foreign banks and insurance companies may result in genuine diversification and spreading of risks. In view of these considerations, and to meet the wishes of registered investment companies for greater flexibility with respect to investments in foreign banking and insurance institutions, the Commission proposed rule 12d1-1.

The Proposed Rule

Rule 12d1-1, as proposed, was intended effectively to exempt acquisitions of both debt and equity securities of foreign banks and foreign insurance companies from the limitations imposed by section 12(d)(1)(A); paragraph (a) of the proposed rule provided that such entities would not be regarded as investment companies for purposes of determining compliance with the limitations imposed by that section. There were two conditions to the use of the rule as proposed. The first condition, contained in paragraph (a)(1), required any securities acquired under the rule to be direct interests in, or obligations of, the foreign bank or insurance company. This condition was intended to make clear that the proposed rule would not cover acquisitions of interests in such entities organized under the auspices of the bank or insurance company as collective trusts and separate accounts. Rather than assisting the primary businesses of foreign banks and foreign insurance companies, such entities might function effectively as investment companies. The second condition, contained in paragraph (a)(2), subjected acquisitions of foreign insurance

company voting securities to the limitations applicable to acquisitions of voting securities of domestic insurance companies.¹⁰ This condition was intended to accord with the policy behind the rule proposal, which was to treat foreign and United States banks and insurance companies in an equivalent manner for purposes of section 12(d)(1).

Paragraph (b) of the proposed rule defined the term "foreign bank" for purposes of the rule, using the definition of that term contained in rule 6c-9 under the Act. Paragraph (c) of the proposed rule defined the term "foreign insurance company" with the intention of covering only securities issued by institutions engaged in the insurance business as it is commonly known in the United States, and not functioning effectively as investment companies. Thus, the proposed rule specified that the insurance company must be engaged primarily and predominantly in writing bona fide insurance agreements of the type specified in section 3(a)(8) of the Securities Act of 1933 (15 U.S.C. 77c(a)(8)) (the "Securities Act"),¹¹ except for the substitution of supervision by foreign government insurance regulators for the state regulators referred to in that section.

Paragraph (c) was proposed in two alternative versions. Alternative I contained additional language designed to clarify the types of agreements that might constitute the primary business of the insurance company; it would have required the agreements to have credit, insurance underwriting and investment risk characteristics substantially similar to those sold in the United States. Alternative II omitted such language. The Commission specifically requested comment as to whether the additional language included in Alternative I was necessary or helpful in characterizing the types of foreign insurance companies whose securities would be covered by the proposed rule.

¹⁰ Section 12(d)(2) of the Act [15 U.S.C. 80a-12(d)(2)] imposes certain limitations on registered investment companies' holdings of United States insurance company securities.

¹¹ Variable annuity contracts, for example, are not insurance agreements of the type included in section 3(a)(8) of the Securities Act. In *S.E.C. v. Variable Annuity Life Ins. Co. of America*, 359 U.S. 65 (1959), the Supreme Court concluded that such contracts were securities subject to federal securities regulation, and that the issuer of such contracts was an investment company and should be regulated as such. See also *S.E.C. v. United Benefit Life Ins. Co.*, 387 U.S. 202 (1967).

Discussion of Comments and Changes in Final Rule

The Commission received five letters of comment in response to the rule proposal. The letters generally supported adoption of the rule proposal, although the commenters made various suggestions for changes in the proposal and for further action by the Commission. The changes suggested related mainly to the scope of the rule and to the rule's definition of the term "foreign insurance company."

A. Scope of the Rule

Two letters encouraged the Commission to consider broader relief from the provisions of the Act for foreign banks and insurance companies, to provide treatment for such entities under the Act equivalent to that of domestic banks and insurance companies in all respects.¹² In the view of these commenters, foreign banks and insurance companies are not the sorts of entities which the Act was intended to regulate, and the failure to exclude them from the definition of the term "investment company" derived from the absence of significant international securities markets at the time of adoption of the Act, which condition has changed dramatically, particularly in recent years. While the Commission appreciates the points made by these commenters, rule 12d1-1 is intended to address the specific problem posed by the application of section 12(d)(1)(A) to registered investment companies' acquisitions of securities of foreign banks and foreign insurance companies. The Commission will consider the subject of more general relief for foreign banks and foreign insurance companies for appropriate action at a later date.¹³

Two commenters suggested that the coverage of the rule be broadened to include investment company acquisitions of securities of various entities related to foreign banks and insurance companies: Their finance subsidiaries, certain parent holding companies, and branches and agencies of foreign banks. The Commission has

decided to add language to the rule that would make explicit that rule 12d1-1 covers investment company acquisitions of securities of the finance subsidiaries of foreign banks and foreign insurance companies. While the language of the proposed rule covered purchases of "a direct interest in, or obligation of a foreign bank or foreign insurance company," the purpose of that language was to exclude from the rule's coverage interests in entities such as collective trusts or separate accounts organized under the auspices of a foreign bank or foreign insurance company. Such trusts and accounts may carry on the activities of investment companies.

In contrast, finance subsidiaries exist primarily to facilitate the activities of the parent company by serving as a conduit of funds to the parent. They are wholly-owned by the foreign bank or foreign insurance company, and their obligations are guaranteed by the parent. Further, the definition of the term "finance subsidiary" in the final rule, which is similar to those in rules 6c-9 and 3a-5 under the Act, strictly limits the activities of finance subsidiaries.¹⁴ Unlike collective trusts or separate accounts, they would not be permitted to function effectively as investment companies. Thus, we are of the view that including the securities of such entities in the rule's coverage is fully consistent with the intent and purposes of the rule as originally proposed, as well as being responsive to comments received.

The Commission does not propose at this time to extend the coverage of the rule to the securities of parent holding companies of foreign banks and foreign insurance companies and the branches and agencies of foreign banks. The commenters have suggested no precise definitions for such entities, and the Commission does not wish to extend the rule to cover the securities of a group of entities whose structure and activities are varied, and with which it has had limited experience.

One commenter questioned the necessity of the proposed rule's provision specifically limiting the rule's coverage to direct obligations of or

interests in foreign banks or insurance companies. This commenter pointed out that under existing Commission interpretations, when securities are placed in a trust or custody arrangement and participations therein are sold in such a manner that a security separate from the underlying security is created, the participation arrangement will constitute a pool that is an investment company requiring registration under the Act. The commenter is correct in its legal analysis. However, even though the provision in question may not be absolutely necessary to the rule, it will serve to avoid confusion as to the rule's coverage. This is particularly true since a foreign bank or insurance company may structure an investment vehicle in a manner with which the Commission is unfamiliar. Thus, the provision will be retained in the final rule.

B. Definition of "foreign insurance company"

As was noted above, the Commission specifically requested comment as to which of two alternative formulations of the definition of the term "foreign insurance company" would be preferable to include in rule 12d1-1. Alternative I contained language requiring insurance agreements entered into by the foreign insurance company relying on the rule to have substantially similar credit, insurance underwriting and investment risk characteristics as those sold in the United States. Alternative II had no such requirement. The three commenters who expressed views on this matter all preferred Alternative II, stating their belief that the additional language of Alternative I might make compliance with the rule more difficult. In light of the commenters' views, the Commission has decided to use Alternative II in the final form of rule 12d1-1.

The commenters also addressed other aspects of the proposed rule's definition of the term "foreign insurance company." One commenter objected to the use of the term "bona fide" in its application to insurance agreements and insurance companies, as unnecessary and confusing. The Commission has decided that this language is not essential to the "foreign insurance company" definition and has deleted it in the final rule. This commenter also objected to the proposed rule's reference to section 3(a)(8) of the Securities Act as too narrow, stating that insurance companies frequently issue certain non-section 3(a)(8) contracts that, nonetheless, do not require treating those companies as investment companies. The letter of comment

¹² One letter suggested that a broad exemptive rule be adopted under section 3(c)(3) of the Act; the other suggested a legislative initiative in the event that the Commission does not have the authority to exempt foreign entities from the Act through exercise of its regulatory powers.

¹³ It was also suggested that the Commission broaden the scope of the rule proposal to cover transactions involving foreign bank and insurance company purchases of registered investment company securities currently limited by section 12(d)(1)(B) under the Act [15 U.S.C. 80a-12(d)(1)(B)]. That section restricts the amount of securities issued by an open-end investment company that may be sold to other investment companies. That suggestion will also be considered for future action.

¹⁴ The definition of the term "finance subsidiary" in the final rule is taken from that of rule 6c-9 under the Act, with a slight modification to make clear that a finance subsidiary may be owned indirectly, as well as directly, by the parent foreign bank or insurance company. The definition in rule 6c-9 was modeled on that of rule 3a-5. As was noted in Part 1b of the *Discussion* section in Investment Company Act Rel. No. 15314 (Sept. 17, 1986) [51 FR 34221] proposing rule 6c-9, compliance with the limitations of rule 3a-5 was intended "to ensure that [the subsidiary's] primary purpose is to act as a conduit for its parent—not to engage in investment company activities."

suggested the following formulation of paragraph (c)(2) of the rule:

(c)(2) Engaged primarily and predominantly in (i) the writing of insurance or the reinsuring of risks underwritten by insurance companies and (ii) the activities of which would not be subject to registration under the Investment Company Act of 1940 if conducted in the United States * * *

However, the commenter's suggested definition may itself give rise to certain ambiguities. Indeed, certain examples cited by the commenter of products not within the scope of Securities Act section 3(a)(8), such as modified guaranteed annuities, may be considered interests in an investment company under some circumstances. Also, provided that such products were not the primary and predominant business of the foreign insurance company, that entity would, in any event, qualify under the definition as proposed and adopted. Therefore, the Commission has decided to retain paragraph (c)(2) as it appeared in Alternative II in the Proposing Release, with the modifications discussed above.

Two commenters questioned the necessity for specifying that an entity be engaged both "primarily and predominantly" in certain activities in order to qualify as a foreign insurance company, and suggested that the language "and predominantly" be deleted from the definition as redundant. This language was designed to reflect the language contained in the definition of the term "insurance company" found in section 2(a)(17) of the Act. Therefore, the language will be retained in the final rule.

Cost/Benefit of Action

Rule 12d1-1 will not impose any cost burden on registered investment companies desiring to utilize its provisions, nor does the Commission expect the rule to increase costs to persons purchasing shares of registered investment companies. To the contrary, the rule should benefit investment companies and their shareholders by providing greater flexibility to investment companies in their purchases of securities of foreign banks and foreign insurance companies.

Regulatory Flexibility Act Analysis

A summary of the Initial Regulatory Flexibility Analysis, which was prepared in accordance with 5 U.S.C. 603, was published in Investment Company Act Release No. 17084. No comments were received on this analysis. The Commission has prepared a Final Regulatory Flexibility Analysis, a copy of which may be obtained by contacting Ann M. Glickman, Mail Stop

5-2, Division of Investment Management, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

List of Subjects in 17 CFR Part 270

Investment companies, Reporting and recordkeeping requirements, Securities.

Text of Rule

PART 270—RULES AND REGULATIONS, INVESTMENT COMPANY ACT OF 1940

Part 270 of chapter II of title 17 of the Code of Federal Regulations is amended as shown.

1. The authority citation for part 270 is revised to read as follows:

Authority: Secs. 38, 40, 54 Stat. 841, 842; 15 U.S.C. 80a-37, 80c-89; The Investment Company Act of 1940, as amended, 15 U.S.C. 80a-1 *et seq.*; unless otherwise noted. * * * § 270.12d1-1 is also issued under Secs. 6(c) [15 U.S.C. 80a-6(c)] and 38(a) [15 U.S.C. 80a-37(a)].

2. By adding § 270.12d1-1 to read as follows:

§ 270.12d1-1 Exemption from the limitation imposed by section 12(d)(1)(A) of the Act for acquisitions of securities of foreign banks and foreign insurance companies.

(a) For purposes of determining compliance with section 12(d)(1)(A) of the Act [15 U.S.C. 80a-12(d)(1)(A)], a foreign bank or foreign insurance company, or a finance subsidiary of a foreign bank or foreign insurance company, shall not be considered an investment company: *Provided, however,*

(1) That this rule shall apply only to a purchase or other acquisition by a registered investment company of a direct interest in, or obligation of, a foreign bank or foreign insurance company; and

(2) That acquisitions by a registered investment company of the securities of a foreign insurance company shall not exceed the limitations imposed by section 12(d)(2) of the Act [15 U.S.C. 80a-12(d)(2)] upon the acquisition by a registered investment company of securities of an insurance company as defined in section 2(a)(17) of the Act [15 U.S.C. 80a-2(a)(17)].

(b) For purposes of this section, "foreign bank" means a foreign bank within the meaning of rule 6c-9 under the Act [17 CFR 270.6c-9].

(c) "Foreign insurance company" means an insurance company incorporated or organized under the laws of a country other than the United States, or a political subdivision of a

country other than the United States, that is:

(1) Regulated as such by that country's or subdivision's government or any agency thereof;

(2) Engaged primarily and predominantly in (i) the writing of insurance agreements of the type specified in section 3(a)(8) of the Securities Act of 1933 [15 U.S.C. 77c(a)(8)], except for the substitution of supervision by foreign government insurance regulators for the regulators referred to in that section; or (ii) the reinsuring of risks on such agreements underwritten by insurance companies; and

(3) Not operated for the purpose of evading the provisions of the Act.

(d) "Finance subsidiary of a foreign bank or foreign insurance company" means a foreign bank or insurance company subsidiary meeting the requirements of paragraph (a) of rule 3a-5 under the Act [17 CFR 270.3a-5]. For purposes of determining whether a foreign bank or foreign insurance company subsidiary meets the requirements of paragraph (a) of rule 3a-5:

(1) "Finance subsidiary" means any corporation:

(i) Whose parent company or a company controlled by its parent company owns all of its securities other than directors' qualifying shares or debt securities or non-voting preferred stock meeting the applicable requirements of paragraphs (a)(1) through (a)(3) of rule 3a-5; and

(ii) The primary purpose of which is to finance the business operations of its parent company or companies controlled by its parent company.

(2) "Parent company" means a foreign bank or foreign insurance company.

(3) "Company controlled by a parent company" means any corporation:

(i) That is either (A) a foreign bank or foreign insurance company or (B) is not considered an investment company under section 3(a) or that is excepted or exempted by order from the definition of investment company by section 3(b) or the rules or regulations under section 3(a); and

(ii) All of whose securities other than directors' qualifying shares or debt securities or non-voting preferred stock are owned by a foreign bank or foreign insurance company.

By the Commission.

Dated: February 26, 1990.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-4881 Filed 3-2-90; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[T.D. 8283]

RIN 1545-AN79

Earnings and Profits of Controlled Foreign Corporations

AGENCY: Internal Revenue Service, Treasury.

ACTION: Correction to temporary regulations (T.D. 8283).

SUMMARY: This document contains corrections to Treasury Decision 8283, which was published in the *Federal Register* for Thursday, January 25, 1990, (55 FR 2515). The temporary regulations relate to the earnings and profits of controlled foreign corporations.

FOR FURTHER INFORMATION CONTACT: Barbara A. Felker, 202-566-6284 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

The temporary regulations that are the subject of these corrections relate to the election or adoption of tax accounting methods affecting the computation of earnings and profits of a controlled foreign corporation in post-1986 taxable years. Changes to the applicable law were made by the Tax Reform Act of 1986.

Need for Correction

As published, T.D. 8283 contains typographical and other errors which may prove to be misleading and are in need of clarification.

Correction of Publication

Accordingly, the publication of the temporary regulations (T.D. 8283) which was the subject of FR Doc. 90-1633, is corrected as follows:

§ 1.964-1T [Corrected].

1. On page 2517, column 1, fourth line of § 1.964-1T (g)(6) Example (1)(iii), the language "Commissioner to be due to inadvertance or" should read "Commissioner to be due to".
2. On page 2517, column 2, fourth line of § 1.964-1T (g)(6) Example (2)(iii), the language "Commissioner to be due to inadvertance or" should read "Commissioner to be due to".
3. On page 2517, column 2, fourth line of § 1.964-1T (g)(6) Example (3)(iii), the language "Commissioner to be due to

inadvertance or" should read "Commissioner to be due to".

Dale D. Goode,

Federal Register Liaison Officer, Assistant Chief Counsel (Corporate).

[FR Doc. 90-4799 Filed 3-2-90; 8:45 am]

BILLING CODE 4830-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD 05-90-02]

Special Local Regulations for Marine Events; Eleventh Annual Safety-at-Sea Seminar, Severn River, Annapolis, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice of implementation of 33 CFR 100.511.

SUMMARY: This notice implements 33 CFR 100.511 for the Eleventh Annual Safety-at-Sea Seminar, an annual event to be held March 31, 1990, and April 1, 1990 on the Severn River, at Annapolis Maryland. These special local regulations are necessary to control vessel traffic within the immediate vicinity of the U.S. Naval Academy during the Pyrotechnic Display, Helicopter Rescue Demonstration, and Sail Training Craft Manuever Demonstration. The effect will be to restrict general navigation in this area for the safety of the spectators and the participants in these events.

EFFECTIVE DATES: The regulations in 33 CFR 100.511 are effective for the following periods:

11:00 a.m. to 2:30 p.m., March 31, 1990.
11:00 a.m. to 2:30 p.m., April 1, 1990.

FOR FURTHER INFORMATION CONTACT:

Stephen L. Phillips, Chief, Boating Affairs Branch, Fifth Coast Guard District, 431 Crawford Street, Portsmouth, Virginia 23704-5004 (804) 398-6204.

Drafting Information

The drafters of this notice are QM1 Kevin R. Connors, project officer, Boating Affairs Branch, Boating Safety Division, Fifth Coast Guard District, and Lieutenant Steven M. Fitten, project attorney, Fifth Coast Guard District Legal Staff.

Discussion of Regulations

The U.S. Naval Academy, Annapolis, Maryland, submitted an application on January 9, 1990 to hold the Eleventh Annual Safety-at-Sea Seminar on March 31, 1990 and April 1, 1990 in the Severn River just off the Robert Crown Sailing Center, U.S. Naval Academy, Annapolis,

Maryland. This event involves approximately 950 midshipmen, officers, coaches and guests. The event includes demonstrations of life rafts, pyrotechnics, use of anti-exposure suits, man overboard procedures, and a helicopter rescue. Since this event is of the type contemplated by these regulations, the safety of the participants will be enhanced by the implementation of the special local regulations. Commercial traffic should not be severely disrupted. These regulations are implemented by publication of this notice in the *Federal Register* and in the Fifth District Local Notice to Mariners.

Dated: February 23, 1990.

P.A. Welling,

Rear Admiral, U.S. Coast Guard, Commander, Fifth Coast Guard District.

[FR Doc. 90-4877 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-14-M

DEPARTMENT OF EDUCATION

34 CFR Part 245

RIN 1810-AA16

Women's Educational Equity Act Program

AGENCY: Department of Education.

ACTION: Final rule; correction.

SUMMARY: This document corrects an error made in the final regulations published in the *Federal Register* on September 13, 1989 (54 FR 37874) concerning Women's Educational Equity Act program.

FOR FURTHER INFORMATION CONTACT:

Ms. Alice T. Ford, Women's Educational Equity Act Program, 400 Maryland Avenue, SW., (Room 2053, FOB-6), Washington, DC 20202-6439. Telephone: (202) 732-4351.

(Catalog of Federal Domestic Assistance Number 84.083, Women's Educational Equity Act Program)

Dated: February 26, 1990.

Daniel F. Bonner,

Acting Assistant Secretary, Elementary and Secondary Education.

The following correction is made in FR Doc. 89-21377, 54 FR 37874-37881 in the issue of September 13, 1989, on page 37876, first column, § 245.11(c)(5)(i) is correctly revised to read as follows:

§ 245.11 What kinds of activities may the Secretary find?

* * * * *

(c) * * *

(5)(i) Educational activities to increase opportunities for adult women, including

continuing educational activities and programs for underemployed and unemployed women.

[FR Doc. 90-4875 Filed 3-2-90; 8:45 am]

BILLING CODE 4000-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[FRL-3727-9]

Approval and Promulgation of Implementation Plans; State of Missouri

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is taking final action to approve amended state rules as a revision to the Air Pollution Control State Implementation Plan (SIP) of the state of Missouri. The rules, required by the Clean Air Act (CAA), establish reasonably available control technology (RACT) to limit volatile organic compound (VOC) emissions in the St. Louis area. EPA's approval of this SIP revision provides federal enforceability of the rules, which will ensure progress toward improved air quality in the St. Louis vicinity.

EFFECTIVE DATE: This action is effective April 4, 1990.

ADDRESSES: The state submittal and EPA's technical support document are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Region VII, Air Branch, 726 Minnesota Avenue, Kansas City, Kansas 66101; Missouri Department of Natural Resources, Air Pollution Control Program, Jefferson State Office Building, 205 Jefferson Street, Jefferson City, Missouri 65101; Environmental Protection Agency, Public Information Reference Unit, Room 2922, 401 M Street, SW., Washington, DC 20460.

FOR FURTHER INFORMATION CONTACT: Larry A. Hacker at Commercial/FTS: (913) 551-7020 or FTS 2000: 276-7020.

SUPPLEMENTARY INFORMATION: Part D of the CAA as amended requires that a state revise its SIP for all areas that have not attained the National Ambient Air Quality Standards (NAAQS). On May 26, 1988, EPA informed the Governor of Missouri that the SIP for the St. Louis area was substantially inadequate to attain the NAAQS for ozone and carbon monoxide.

In response to the SIP call, the state submitted corrections to its St. Louis

VOC control rules on March 30, 1989. On October 23, 1989, EPA published a proposal to approve these rule corrections (54 FR 43183). For a complete discussion of the rule corrections, the reader is referred to the above mentioned October 23, 1989, Federal Register notice.

Response to Comments

EPA received two comments from one commentator on the October 23, 1989, notice of proposed rulemaking. EPA's technical support document for this action makes reference to an April 3, 1989, EPA memorandum from Tom Helms. The memo states that the Control Technique Guideline (CTG)-recommended emission limits for miscellaneous metal parts and products (MMP&P) apply to adhesives in the absence of a source specific demonstration. The commentator objected to this memorandum and believes that CTG-recommended emission limits for a particular category (MMP&P) should not be applied to another source category (adhesives). In regard to adhesives, this rulemaking addresses only the source-specific RACT emission limit which was established for the Chrysler automobile assembly plant. It does not rely on the CTG-recommended emission limits for MMP&P and adhesives. In addition, the commentator specifically states that he is not commenting on the merits of the Chrysler source-specific RACT determination. Therefore, EPA does not believe that the comment is relevant to EPA's rationale for approval of the Chrysler emission limit.

The commentator also objected to the manner in which EPA proposed approval of rule 10 CSR 10-5.340 (54 FR 43184). In that notice, EPA proposed approval of the rule with the understanding that any alternative compliance plans, issued under the rule, must be submitted and approved by EPA as individual SIP revisions. The commentator believes that rules must be approved as written and cannot be amended by an "understanding" that has not gone through notice and comment rulemaking procedures. EPA believes that our "understanding" does not constitute an amendment to the rule. Rather, the "understanding" recognizes an obligation on the part of the state that if the state intends to include an alternative compliance plan in the SIP, it must be submitted to EPA as a SIP revision. The plan would undergo notice and comment rulemaking at that time to satisfy Federal requirements. In the absence of EPA approval of an alternative compliance plan, the SIP requirement would be the emission limit stated in the rule. Thus, the

"understanding" referenced in the proposal merely clarifies the status of alternative compliance plans under the CAA; it does not modify the state's rule in any way.

EPA Action

In today's notice, EPA takes final action to approve the state's June 14, 1985; November 19, 1986; and March 30, 1989, submittals as a revision to the Missouri SIP.

Also in today's notice, EPA is reorganizing the regulatory text in the Code of Federal Regulations (CFR) which pertains to Missouri's VOC rules for Kansas City. EPA's discussion of alternative compliance plans is being moved from 40 CFR 52.1320, paragraphs (c)(65) and (c)(70), to 40 CFR 52.1323. This reorganization does not result in any substantive changes in SIP requirements.

Nothing in this action should be construed as permitting or allowing or establishing a precedent for any future request for revision to any SIP. Each request for revision to the SIP shall be considered separately in light of specific technical, economic, and environmental factors and in relation to relevant statutory and regulatory requirements.

This action has been classified as a table 2 action by the Regional Administrator under the procedures published in the Federal Register on January 19, 1989 (54 FR 2214-2225). On January 6, 1989, the Office of Management and Budget waived tables 2 and 3 SIP revisions (54 FR 2222) from the requirements of section 3 of Executive Order 12291 for a period of two years.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the U.S. Court of Appeals for the appropriate circuit by May 4, 1990. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Air pollution control, Incorporation by reference, Intergovernmental relations, and Ozone.

Note: Incorporation by reference of the State Implementation Plan for the state of Missouri was approved by the Director of the Federal Register on July 1, 1982.

Dated: February 16, 1990.

Morris Kay,
Regional Administrator.

40 CFR part 52, subpart AA, is amended as follows:

PART 52—[AMENDED]**Subpart AA—Missouri**

1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401-7642.

2. Section 52.1320 is amended by revising paragraph (c)(65) to read as follows:

§ 52.1320 Identification of plan.

(c) * * *

(65) Revised regulations for the control of volatile organic compound emissions in the Kansas City area were submitted by the Missouri Department of Natural Resources on May 21, 1986, and December 18, 1987. The May 21, 1986, submittal also included an ozone attainment demonstration for Kansas City, which will be addressed in a future action.

(i) *Incorporation by reference.* (A) Revision to Rule 10 CSR 10-2.260, Control of Emissions from Petroleum Liquid Storage, Loading, and Transfer, effective May 29, 1986, with amendments effective December 24, 1987.

(B) New Rule 10 CSR 10-2.300, Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products, effective December 12, 1987.

(C) New Rules 10 CSR 10-2.310, Control of Emissions from the Application of Automotive Underbody Deadeners, and 10 CSR 10-2.320, Control of Emissions from Production of Pesticides and Herbicides, effective November 23, 1987.

(D) Rescinded Rules 10 CSR 10-2.240, Control of Emissions of Volatile Organic Compounds from Petroleum Refinery Equipment, and 10 CSR 10-2.250, Control of Volatile Leaks from Petroleum Refinery Equipment, effective November 23, 1987.

(E) Revision to Rule 10 CSR 10-6.030, Sampling Methods for Air Pollution Sources, effective November 23, 1987, with amendments effective December 24, 1987.

(F) Revision to Rule 10 CSR 10-2.210, Control of Emissions from Solvent Metal Cleaning, effective December 12, 1987.

(G) Revisions to Rules 10 CSR 10-2.290, Control of Emissions from Rotogravure and Flexographic Printing Facilities, and 10 CSR 10-6.020, Definitions, effective December 24, 1987.

3. Section 52.1320 is amended by revising paragraph (c)(70) to read as follows:

§ 52.1320 Identification of plan.

(C) * * *

(70) The Missouri Department of Natural Resources submitted amendments to Rule 10 CSR 10-2.230 on December 18, 1987, and December 19, 1988. The rule controls volatile organic compound emissions from industrial surface coating facilities in the Kansas City area.

(i) *Incorporation by reference.* (A) Revision to Rule 10 CSR 10-2.230, Control of Emissions from Industrial Surface Coating Operations, effective December 24, 1987, with amendments effective November 24, 1988.

4. Section 52.1320 is amended by adding paragraph (c)(71) to read as follows:

§ 52.1320 Identification of Plan.

(c) * * *

(71) Revisions to regulations for controlling volatile organic compound emissions in the St. Louis area were submitted by the Missouri Department of Natural Resources on June 14, 1985; November 19, 1986; and March 30, 1989.

(i) *Incorporation by reference.* (A) New Rule 10 CSR 10-5.410, Control of Emissions from the Manufacture of Polystyrene Resin, effective May 11, 1985, with amendments effective September 26, 1986, and March 11, 1989.

(B) Revisions to Rules 10 CSR 10-5.220, Control of Petroleum Liquid Storage, Loading and Transfer; 10 CSR 10-5.300, Control of Emissions from Solvent Metal Cleaning; 10 CSR 10-5.310, Liquefied Cutback Asphalt Paving Restricted; 10 CSR 10-5.320, Control of Emissions from Perchloroethylene Dry Cleaning Installations; 10 CSR 10-5.340, Control of Emissions from Rotogravure and Flexographic Printing Facilities; 10 CSR 10-5.350, Control of Emissions of Synthesized Pharmaceutical Products; 10 CSR 10-5.360, Control of Emissions from Polyethylene Bag Sealing Operations; 10 CSR 10-5.370, Control of Emissions from the Application of Deadeners and Adhesives; 10 CSR 10-5.390, Control of Emissions from the Manufacturing of Paints, Varnishes, Lacquers, Enamels, and Other Allied Surface Coating Products; 10 CSR 10-5.420, Control of Equipment Leaks from Synthetic Organic Chemical and Polymer Manufacturing Plants; and 10 CSR 6.020, Definitions; effective March 11, 1989.

(C) Rescinded Rule 10 CSR 10-5.400, Control of Emissions from Production of Maleic Anhydride, effective March 11, 1989.

5. Section 52.1323 is amended by adding paragraphs (b), (c), and (d) to read as follows:

§ 52.1323 Approval status.

(b) The Administrator approves Rule 10 CSR 10-2.290 as identified under § 52.1320, paragraph (c)(65), with the understanding that any alternative compliance plans issued under this rule must be approved by EPA as individual SIP revisions. In the absence of such approval, the enforceable requirements of the SIP would be the reduction requirements stated in the rule.

(c) The Administrator approves Rule 10 CSR 10-2.230 as identified under § 52.1320, paragraph (c)(70), with the understanding that any alternative compliance plans issued under this rule must be approved by EPA as individual SIP revisions. In the absence of such approval, the enforceable requirements of the SIP would be the emission limits stated in the rule.

(d) The Administrator approves Rule 10 CSR 10-5.340 as identified under § 52.1320, paragraph (c)(71), with the understanding that any alternative compliance plans issued under this rule must be approved as individual SIP revisions. In the absence of such approval, the enforceable requirements of the SIP would be the reduction requirements stated in the rule.

[FR Doc. 90-4917 Filed 3-2-90; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 52

[FRL-3729-3]

Prevention of Significant Deterioration of Air Quality (PSD); Determination To Deny a PSD Permit to the Industrial Cogenerators Corporation in Concord, New Hampshire

AGENCY: U.S. Environmental Protection Agency (EPA).

ACTION: Notice of final determination to deny a PSD permit.

SUMMARY: The purpose of this notice is to announce that on December 19, 1989, Paul G. Keough, the acting Regional Administrator in Region I at that time, issued a final determination to deny a PSD Permit for a gas-fired cogeneration project at the Industrial Cogenerators Corporation (ICC) in Concord, New Hampshire. This determination was made because ICC failed to demonstrate that the use of a selective catalytic reduction (SCR) control system to reduce nitrogen oxide (NO_x) emissions at its proposed facility was technically, economically or environmentally infeasible. The application also failed to indicate what the carbon monoxide

(CO) best available control technology (BACT) emission rate would be. Finally, the applicant took credit for sulfur dioxide (SO₂) emission reductions that were not part of a federally-enforceable SIP revision or permit condition. Applicants can not take credit for emission reductions from plant shutdowns unless these shutdowns are federally enforceable. ICC took credit for emission reductions from a plant shutdown that was not federally enforceable. Without these emission reductions, the ambient impact analyses indicated that the ICC plant would significantly contribute to modeled SO₂ ambient air quality standard violations.

DATES: The determination was effective December 19, 1989.

FOR FURTHER INFORMATION CONTACT: Mr. John J. Courcier, State Air Programs Branch, U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Room 2311, Boston, Massachusetts 02203, (617/565-3260).

SUPPLEMENTARY INFORMATION: This final determination to deny the PSD permit was made on the basis of Region I's preliminary determination dated May 5, 1989.

Copies of this Final Determination, the preliminary determination, and all information used in making the determinations are available for public inspection at the New Hampshire Air Resources Division, 64 North Main Street, Concord, New Hampshire 03302-2033. Copies of the determinations are also available for public inspection at the U.S. Environmental Protection Agency, Region I, John F. Kennedy Federal Building, Room 2311, Boston, Massachusetts 02203.

The determination is a final action under the Clean Air Act. Under section 307(b)(1) of the Act, judicial review of this determination is available only by the filing of a petition for review in the United States Court of Appeals for the First Circuit within 60 days from the date of publication in the **Federal Register**. Under section 307(b)(2) of the Clean Air Act, this final determination shall not be subject to later judicial review in civil or criminal proceedings for enforcement.

Dated: February 21, 1990.

Paul Keough,

Acting Regional Administrator, U.S. Environmental Protection Agency, Region I.

[FR Doc. 90-4918 Filed 3-2-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-590; RM-6112; RM-6233; RM-6290]

Radio Broadcasting Services; Endwell and Southport, New York

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Harold Kozlowski, allots Channel 298A to Endwell, New York, as the community's first local FM service. At the request of Victor A. Michael and Dean F. Aubol, the Commission allots Channel 258A to Southport, New York, as its first local FM service. Channel 298A can be allotted to Endwell and Channel 258A can be allotted to Southport in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction. The coordinates for Channel 298A at Endwell are North Latitude 42-06-06 and West Longitude 76-02-18. The coordinates for Channel 258A at Southport are 42-03-17 and 76-49-10. Canadian concurrence in these allotments has been received. With this action, this proceeding is terminated.

DATES: Effective April 13, 1990. The window period for filing applications will open on April 16, 1990, and close on May 16, 1990.

FOR FURTHER INFORMATION CONTACT: Leslie K. Shapiro, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 87-590, adopted February 8, 1990, and released February 27, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

1. The authority citation for part 73 continues to read as follows:

Authority: 47 U.S.C. 154, 303.

§ 73.202 [Amended]

2. Section 73.202(b), the FM Table of Allotments, is amended by adding

Endwell, New York, Channel 298A, and Southport, New York, Channel 258A.

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4860 Filed 3-2-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 23

RIN 1018-AA29

Changes in List of Species in Appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule, correction.

SUMMARY: In the February 20, 1990, **Federal Register** rule on changes in the list of species in the appendices to the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), item number 3 at 55 FR 5849-5850 needs to be corrected. The portion of paragraph (f) of § 23.23 is corrected by replacing the amendatory language and table identified on pages 5849-5850 of the rule as number 3. Tables under numbers 4 and 5 on pages 5850 and 5851 of the rule remain unchanged.

DATES: This corrected rule is effective March 5, 1990.

ADDRESSES: Please send any correspondence concerning this document to the Office of Scientific Authority, Mail Stop: Room 725, Arlington Square, U.S. Fish and Wildlife Service, Department of the Interior, Washington, DC 20240. Materials received will be available for public inspection, by appointment, from 8:00 a.m. to 4:00 p.m., Monday through Friday, in room 750, 4401 North Fairfax Drive, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Dr. Charles W. Dane, Office of Scientific Authority, U.S. Fish and Wildlife Service, Washington, DC 20240, telephone (703) 358-1708.

List of Subjects in 50 CFR Part 23

Endangered and threatened plants, Endangered and threatened wildlife, Exports, Fish, Imports, Marine mammals, Plants (agriculture), Treaties.

Correction

For reasons set out in the preamble of this document, part 23 of Title 50, Code of Federal Regulations is corrected as follows:

PART 23—ENDANGERED SPECIES CONVENTION

1. The authority citation for part 23 continues to read as follows:

Authority: Convention on International Trade in Endangered Species of Wild Fauna and Flora, 27 U.S.T. 108; and Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*)

§ 23.23 [Amended]

2. On page 5849, amendatory instruction number 3 and its regulatory text are correctly revised to read as follows:

3. Amend paragraph (f) of § 23.23 by revising the existing entries for particular species and common names of plant families on the list to read as follows:

Species	Common name	Appendix	Date listed (month/day/year)
CLASS MAMMALIA:	MAMMALS:		
Order Chiroptera:	Bats:		
<i>Pteropus insularis</i>	Truk flying fox.....	I	10/22/87
<i>P. mariannus</i>	Mariana flying fox.....	I	10/22/87
<i>P. molossinus</i>	Ponape flying fox.....	I	10/22/87
<i>P. phaeocephalus</i>	Mortlock flying fox.....	I	10/22/87
<i>P. pilosus</i>	Palau flying fox.....	I	10/22/87
<i>P. samoensis</i>	Samoa flying fox.....	I	10/22/87
<i>P. tonganus</i>	Insular flying fox.....	I	10/22/87
Order Carnivora:	Carnivores: Cats, Bears, etc.:		
<i>Melursus ursinus</i> (= <i>Ursus ursinus</i>)	Sloth bear.....	I	9/21/88
<i>Ursus arctos</i> (all North American populations except that listed below).	Brown bear, Grizzly.....	II	7/1/75
Order Proboscidea:	Elephants:		
<i>Loxodonta africana</i>	African elephant.....	I	7/1/75
Order Artiodactyla:	Even-toed Ungulates:		
<i>Cephalophus jentinki</i>	Jentink's duiker.....	I	7/29/83
CLASS AVES:	BIRDS:		
Order Passeriformes:	Perching birds:		
<i>Pitta quajana</i>	Blue-tailed pitta, Banded pitta.....	II	12/7/87
<i>P. guineyi</i>	Gurney's pitta.....	I	12/7/87
<i>Pseudochelidon sirintarae</i>	White-eyed river martin.....	I	7/1/75
Order Crocodylia:	Crocodiles, Alligators, Caimans, Gavials:		
<i>C. niloticus</i> (populations in Cameroon, Congo, Ethiopia, Kenya, Madagascar, Somalia, Sudan, Tanzania subject to export quotas described by the Secretariat).	Nile crocodile.....	II	7/1/75
<i>C. niloticus</i> (populations in Botswana, Malawi, Mozambique and Zambia pursuant to ranching).	Nile crocodile.....	II	7/1/75
CLASS REPTILIA:	REPTILES:		
Order Squamata:	Lizards, Snakes:		
<i>Naja naja</i>	Cobra.....	II	2/12/84
<i>Ophiophagus hannah</i>	King cobra.....	II	2/12/84
<i>Pyas mucosus</i>	Oriental ratsnake, whipsnake.....	II	2/12/84
CLASS OSTEICHTHYES:	BONY FISHES:		
Order Coelacanthiformes:	Coelacanth:		
<i>Latimeria chalumnae</i>	Coelacanth, Gombessa.....	I	7/1/75
PLANT KINGDOM:	PLANTS:		
Family Caryocaraceae:	Souari family:		
<i>Caryocar costaricense</i>	Ajo.....	II	7/1/75
Family Humiriaceae:	Humiria family:		
<i>Vantanea barbourii</i>	Caracolillo, Ira chiricana.....	II	7/1/75
Family Leguminosae (= Fabaceae)	Pea family:		
<i>Cynometra hemitomophylla</i>	Guapinol negro.....	II	7/1/75
<i>Platymiscium pleiostachyum</i>	Cristóbal, Granadillo.....	II	7/1/75
<i>Tachigali versicolor</i>	Caña fistula.....	II	7/1/75
Family Moraceae:	Mulberry family:		
<i>Batocarpus costaricensis</i>	Ojoche macho, Nispero colorado.....	II	7/1/75
Family Podocarpaceae:	Podocarp family:		
<i>Podocarpus neriifolius</i>	Welwitschia family:	III (Nepal)	11/16/75
Family Welwitschiaceae:	Welwitschia.....	II	7/1/75
<i>Welwitschia mirabilis</i> (= <i>W. bainesii</i>).....			

Dated: February 28, 1990.
 Richard N. Smith,
 Director, U.S. Fish and Wildlife Service.
 [FR Doc. 90-4962 Filed 3-2-90; 8:45 am].
 BILLING CODE 4310-55-M

National Oceanic and Atmospheric Administration

50 CFR Part 675

[Docket No. 91048-0006]

Groundfish of the Bering Sea and Aleutian Islands Area

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.
ACTION: Notice of closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the domestic annual processing (DAP) flatfish fisheries have attained their prohibited species catch (PSC) allowance of *Chionoecetes bairdi* Tanner crab (339,600 crabs) in Zone 1 of the Bering Sea and Aleutian Islands (BSAI) area. Therefore, the Secretary of Commerce (Secretary) is prohibiting any further DAP directed fishing for yellowfin sole, "other flatfish" and rock sole in Zone 1. This action is necessary to prevent excessive bycatch of *C. bairdi* Tanner crab in the trawl fishery for groundfish in an area of particular importance to the *C. bairdi* crab stock. This action is intended to carry out the objectives of measures to control the bycatch of prohibited species in the trawl fishery for groundfish.

EFFECTIVE DATE: February 27, 1990, at 12:00 noon, Alaska Standard Time through December 31, 1990.

FOR FURTHER INFORMATION CONTACT: Jessica A. Gharrett (Resource Management Specialist), NMFS, Alaska Region, P.O. Box 21668, Juneau, Alaska 99802-1668, telephone 907-586-7229.

SUPPLEMENTARY INFORMATION: The Secretary approved Amendment 12A to the Fishery Management Plan for the Groundfish Fishery in the Bering Sea and Aleutian Islands Area (FMP) under authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act) on July 7, 1989. Amendment 12A was implemented by the Secretary with a final rule published August 9, 1989 (54 FR 32642), and effective September 3, 1989, through December 31, 1990.

The purpose of Amendment 12A is to limit incidental catches of the prohibited species *C. bairdi* Tanner crab, red king crab, and Pacific halibut by the groundfish fisheries in the BSAI area. Such incidental catches are referred to as bycatches in fisheries targeting other species. The amendment establishes five PSC limits, each of which are apportioned among four fisheries: the domestic annual processing (DAP) fisheries for flatfish, DAP fisheries for other species, the joint venture processing (JVP) fisheries for flatfish, and JVP fisheries for other species.

Each of the 20 PSC allowances prescribed for the 1990 groundfish fisheries appears in the initial specifications notice for 1990 for the BSAI area published January 16, 1990 (54 FR 1434). The PSC allowances were based on the anticipated bycatch of prohibited species derived by a mathematical prediction procedure, which used statistical information derived from fishery performance in previous years and projected

performance for the 1990 fishing year. The PSC allowance for *C. bairdi* Tanner crab in Zone 1 for the DAP flatfish fisheries is 339,600 crabs.

Closure

The Regional Director has determined that the DAP flatfish PSC allowance for *C. bairdi* Tanner crab in Zone 1 has been reached. Under the regulation, when the PSC allowance for *C. bairdi* Tanner crab for the DAP flatfish fishery is reached, Zone 1 is closed to further directed fishing for yellowfin sole, "other flatfish", and rock sole by DAP vessels.

Therefore, the Secretary, by this notice and under authority of §§ 675.21(c)(1)(i), prohibits for the remainder of the fishing year the retention by DAP vessels of groundfish caught from Zone 1 (statistical areas 511, 512 and 516) that is composed of 20 percent or more in the aggregate of yellowfin sole, "other flatfish" and rock sole.

Classification

These actions are taken under §§ 675.20 and 675.21 and they comply with Executive Order 12291.

List of Subjects in 50 CFR Part 675

Fisheries, Recordkeeping and reporting requirements.

Authority: 16 U.S.C. 1801 et seq.

Dated: February 27, 1990.

David S. Crestin,

Acting Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-4872 Filed 2-27-90; 4:32 pm]

BILLING CODE 3510-22-M

Proposed Rules

Federal Register

Vol. 55, No. 43

Monday, March 5, 1990

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 959

[Docket No. FV-90-131]

South Texas Onions; Increase in Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rule would increase the assessment rate under Marketing Order No. 959 for the 1989-90 fiscal period. Reduced shipments and therefore lower assessment income is anticipated due to adverse weather conditions during the growing season. Funds to administer the program are derived from assessments on handlers.

DATES: Comments must be received by March 26, 1990.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in triplicate to the Docket Clerk, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456. Comments should reference the docket number and the date and page number of this issue of the *Federal Register* and will be available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Robert F. Matthews, Marketing Order Administration Branch, Fruit and Vegetable Division, AMS, USDA, P.O. Box 96456, Room 2525-S, Washington, DC 20090-6456, telephone 202-447-2431.

SUPPLEMENTARY INFORMATION: This rule is proposed under Marketing Agreement No. 143 and Order No. 959, both as amended (7 CFR Part 959), regulating the handling of onions grown in South Texas. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act

of 1937, as amended (7 U.S.C. 601-674), hereinafter referred to as the Act.

This proposed rule has been reviewed under Executive Order 12291 and Departmental Regulation 1512-1 and has been determined to be a "non-major" rule under criteria contained therein.

Pursuant to the requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has considered the economic impact of this proposed rule on small entities.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 handlers of South Texas onions under this marketing order, and approximately 80 onion producers. Small agricultural producers have been defined by the Small Business Administration (13 CFR 121.2) as those having annual receipts of less than \$500,000, and small agricultural service firms are defined as those whose annual receipts are less than \$3,500,000. The majority of South Texas onion handlers and producers may be classified as small entities.

The budget of expenses for the 1989-90 fiscal year was prepared by the South Texas Onion Committee (committee), the agency responsible for local administration of the order and submitted to the Secretary of Agriculture for approval. The members of the committee are handlers and producers of South Texas onions. They are familiar with the committee's needs and with the costs for goods and services in their local area and are in a position to formulate an appropriate budget. The budget was formulated and discussed in a public meeting. Thus, all directly affected persons have had an opportunity to participate and provide input.

The assessment rate recommended by the committee was derived by dividing anticipated expenses by expected shipments of South Texas onions. Because that rate is applied to actual shipments, it must be established at a

rate that will provide sufficient income to pay the committee's expected expenses. A recommended budget and rate of assessment is usually acted upon by the committee before the season starts, and expenses are incurred on a continuous basis. Therefore, budget and assessment rate approvals must be expedited so the committee will have funds to pay its expenses.

During Christmas week, 1989, the Lower Rio Grande Valley of Texas experienced a freeze that caused extensive damage to the Valley's citrus and vegetable crops. Substantial damage was done to the onion crop, which had been planted during the preceding October and November and had already emerged. The committee held a subcommittee meeting on February 2, 1990, to evaluate damage to the crop and to revise its production estimate. As a result of subcommittee discussion, the estimate of fresh onion shipments for the season was reduced from 6,075,000 50-pound containers to approximately 4,500,000 containers.

On February 8, 1990, the committee conducted a telephone vote and unanimously recommended that the assessment rate established for the 1989-90 fiscal year be increased from 5½ cents to 7 cents per 50-pound container or equivalent quantity. The committee intends to reduce expenditures for promotion by \$30,000 and research by \$20,000, for a total reduction of \$50,000. This would reduce anticipated expenses from \$376,966 to \$326,966. However, reduced onion shipments of 4.5 million containers would yield only \$247,500 in assessment income, a shortfall of \$79,466. Increasing the assessment rate to 7 cents per container would yield \$315,000 in assessment income; the additional \$11,966 would be drawn from the committee's authorized reserve funds.

While this proposed rule would impose some additional costs on handlers, the costs would be in the form of uniform assessments. Some of the additional costs may be passed on to producers. However these costs would be offset by the benefits derived from the operation of the order. Therefore, the Administrator of the AMS has determined that this action would not have a significant economic impact on a substantial number of small entities.

This action should be expedited because the committee needs to have

sufficient funds to pay its expenses which are incurred on a continuous basis. The 1990 shipping season should begin in March, and the order requires that the rate of assessment for the fiscal year apply to all assessable onions handled during the fiscal period. Therefore, it is found that a comment period of 20 days is appropriate so that the increase in the assessment rate can be made effective in time for the beginning of the shipping season.

List of Subjects in 7 CFR Part 959

Marketing agreements; Onions, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, it is proposed that 7 CFR Part 959 be amended as follows:

PART 959—ONIONS GROWN IN SOUTH TEXAS

1. The authority citation for 7 CFR part 959 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

2. Section 959.230 is revised to read as follows:

Note: This section prescribes the annual expenses and assessment rate and will not be published in the Code of Federal Regulations.

§ 959.230 Expenses and assessment rate.

Expenses of \$376,966 by the South Texas Onion Committee are authorized and an assessment rate of \$0.07 per 50-pound container or equivalent quantity of assessable onions is established for the fiscal period ending July 31, 1990. Unexpended funds may be carried over as a reserve.

Dated: February 27, 1990.

William J. Doyle,

Associate Deputy Director, Fruit and Vegetable Division.

[FR Doc. 90-4854 Filed 3-2-90; 8:45 am]

BILLING CODE 3410-02-M

Agricultural Marketing Service

7 CFR Part 1012

[DA-90-009]

Milk in the Tampa Bay Marketing Area; Proposed Termination of Certain Provisions of the Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This notice invites written comments on a proposal to terminate certain classification provisions of the

Tampa Bay order. The proposed action would remove the provision "(including milkshake mix)" from the fluid milk product definition. Such action would classify skim milk and butterfat used in milkshake mix as Class II milk. Currently, a Class I classification applies to skim milk and butterfat in such use. Tampa Bay Independent Dairy Farmers' Association, Inc., the proponent of the proposed action, indicates that the termination order is needed in order for a processing plant regulated under the Tampa Bay order to be competitive with certain other Federal order plants in the processing and distribution of a milkshake mix product (Shake Ups). Proponent indicates that the milkshake product contains in excess of 20 percent total solids and would be classified as a Class II product under the Georgia and Upper Florida orders and a large number of other Federal order markets.

DATES: Comments are due on or before March 20, 1990.

ADDRESSES: Comments (two copies) should be filed with the USDA/AMS/Dairy Division, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456.

FOR FURTHER INFORMATION CONTACT: Robert E. Groene, Marketing Specialist, USDA/AMS/Dairy Division, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456 (202) 447-2089.

SUPPLEMENTARY INFORMATION: The Regulatory Flexibility Act (5 U.S.C. 601-612) requires the Agency to examine the impact of a proposed rule on small entities. Pursuant to 5 U.S.C. 605(b), the Administrator of the Agricultural Marketing Service has certified that this proposed action would not have a significant economic impact on a substantial number of small entities. Such action would lessen the regulatory impact of the order on certain milk handlers by reducing the payments that are required to be made for milk used in the processing of milkshake mix.

Notice is hereby given that, pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), the termination of the following provision of the order regulating the handling of milk in the Tampa Bay marketing area is being considered:

1. In § 1012.15, the provision "(including milkshake mix)".

All persons who want to send written data, views, or arguments about the proposed termination should send two

copies of them to the USDA/AMS/Dairy Division, Room 2968, South Building, P.O. Box 96456, Washington, DC 20090-6456, not later than 15 days after the publication of this notice in the Federal Register.

The comments that are received will be made available for public inspection in the Dairy Division during normal business hours (7 CFR 1.27(b)).

Statement of Consideration

The proposed termination would classify as Class II milk all skim milk and butterfat used in the processing of milkshake mix. The order now classifies as Class I milk the skim milk and butterfat in such use.

The proposed termination of the provision "(including milkshake mix)" from the fluid milk product definition of the Tampa Bay milk marketing order was requested by Tampa Bay Independent Dairy Farmers' Association, Inc. The cooperative supplies a large portion of the market's fluid milk needs. It also supplies milk to the Flav-O-Rich plant at St. Petersburg, Florida; that is processing a milkshake mix product (Shake Ups) containing in excess of 20 percent total solids. The cooperative indicates that a Class II classification is needed for such product in order for the plant to compete with handlers regulated under the Georgia and Upper Florida milk orders and many other Federal milk orders. Proponent states that skim milk and butterfat in a milkshake mix containing in excess of 20 percent total solids are classified as Class II milk in most Federal milk orders while the current provisions of the Tampa Bay milk orders classify the skim milk and butterfat in such product as Class I milk. Therefore, comments are sought to determine whether the aforementioned provision should be terminated.

List of Subjects in 7 CFR Part 1012

Dairy products, Milk, Milk marketing orders.

The authority citation for 7 CFR part 1012 continues to read as follows:

Authority: Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674.

Signed at Washington, DC, on February 27, 1990.

Daniel Haley,

Administrator.

[FR Doc. 90-4855 Filed 3-2-90; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 430

[Docket No. CE-RM-90-102]

Energy Conservation Program for Consumer Products; Test Procedures for Fluorescent Lamp Ballasts

AGENCY: Office of Conservation and Renewable Energy, Department of Energy.

ACTION: Notice of proposed rulemaking and public hearing.

SUMMARY: The Energy Policy and Conservation Act (EPCA), as amended by (a) the National Energy Conservation Policy Act (NECPA), (b) the National Appliance Energy Conservation Act of 1987 (NAECA), and (c) the National Appliance Energy Conservation Amendments of 1988 (NAECA 1988),¹ requires the Department of Energy (DOE or Department) to administer an energy conservation program for certain major household appliances. (NAECA 1988 added fluorescent lamp ballasts to the program's coverage.) Among other program elements, the Act requires that standard methods of testing be prescribed for each covered product. With respect to fluorescent lamp ballasts, the Act directs the Secretary of Energy to prescribe test procedures that are in accord with American National Standard Institute (ANSI) Standard C82.2-1984.

The purpose of today's notice of proposed rulemaking is to request data, comments and information on the proposed test procedures for the fluorescent lamp ballast, a device which is used to start and operate fluorescent lamps.

Today's notice also announces, at the time of the final rule, (1) removal of the Department's rules and references concerning humidifiers and dehumidifiers; and (2) certain technical corrections to provisions which have already been codified.

DATES: Written comments (nine copies) in response to this notice must be received by May 21, 1990; requests to speak at the public hearing must be received by April 23, 1990; the public hearing will be held on April 25, 1990, at 9:30 a.m.

ADDRESSES: Written comments and requests to speak at the public hearing shall be sent to: U.S. Department of

Energy, Office of Conservation and Renewable Energy, Hearings and Dockets, Fluorescent Lamp Ballasts, Docket No. CE-RM-90-102, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-3012.

The public hearing will be held at Room 1E-245, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585. Please bring nine copies of the prepared oral testimony to the hearing. Copies of the transcript of the public hearing, and the public comments received, may be obtained or inspected at the DOE Freedom of Information Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, 20585, (202) 586-6020.

A copy of ANSI Standard C82.2-1984, "American National Standard for Fluorescent Lamp Ballasts—Methods of Measurement," approved October 21, 1983, may be viewed at or obtained from the DOE Freedom of Information Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-6020, and also may be obtained from ANSI, 1430 Broadway, New York, NY 10018, (212) 642-4900.

FOR FURTHER INFORMATION CONTACT:

Douglass S. Abramson, U.S. Department of Energy, Office of Conservation and Renewable Energy, Forrestal Building, Mail Station, CE-132, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9127
Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Forrestal Building, Mail Station, GC-12, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-9507
U.S. Department of Energy, Hearings and Dockets, Forrestal Building, Mail Station CE-43.1, Room 6B-025, 1000 Independence Avenue SW., Washington, DC 20585, (202) 586-3012.

SUPPLEMENTARY INFORMATION:**I. Background**

The Energy Conservation Program for Consumer Products (other than automobiles) (Program) was established pursuant to the Act. The thirteen consumer products subject to this Program (covered products) include fluorescent lamp ballasts, the subject of today's proposed rulemaking.²

² The thirteen covered product categories are: refrigerators, refrigerator-freezers and freezers; room air conditioners; central air conditioners and central air conditioning heat pumps; water heaters; furnaces; dishwashers; clothes washers; clothes dryers; direct heating equipment; kitchen ranges and ovens; pool heaters; television sets; and fluorescent lamp ballasts.

Under the Act, the Program consists essentially of three parts: testing, labeling, and Federal energy conservation standards. The Department, in consultation with the National Institute of Standards and Technology (NIST), (formerly the National Bureau of Standards), maintains the test procedures as appropriate for each of the covered products. Section 323. Test procedures must be reasonably designed to produce test results that measure energy efficiency, energy use, or estimated annual operating cost, and must not be unduly burdensome to conduct. Section 323(b)(3). A test procedure is not required if DOE determines by rule that one cannot be developed. Section 323(d)(1). One hundred and eighty days after a test procedure for a product is adopted, no manufacturer may represent the energy consumption of or the cost of energy consumed by the product except as reflected in tests conducted according to the DOE procedure. Section 323(c)(2). Test procedures appear at 10 CFR part 430, subpart B.

Labeling requirements are administered by the Federal Trade Commission (FTC). The Act requires fluorescent lamp ballasts, to which standards are applicable, to display a capital letter "E" printed within a circle on the ballast and on the packaging of the ballast or on the luminaire into which the ballast has been incorporated. FTC prescribed labeling rules for ballasts on July 5, 1989. (54 FR 28031).

The Department administers the conservation standards part of the Program. The Act establishes energy conservation standards for fluorescent lamp ballasts. On February 7, 1989, the Department incorporated the legislated standards into 10 CFR part 430. (54 FR 6062).

Section 323(b)(5) of the Act specifies that the Secretary of DOE (Secretary) shall prescribe test procedures for fluorescent lamp ballasts that are in accord with ANSI Standard C82.2-1984 or other test procedures determined appropriate by the Secretary. ANSI Standard C82.2-1984 provides methods of testing and measuring the performance of fluorescent lamp ballasts. Today's notice proposes to incorporate by reference the test methods found in ANSI Standard C82.2-1984. The Department also is including in the proposed test procedures a method of calculating the Ballast Efficacy Factor (BEF), the Power Factor (PF), the Estimated Annual Energy Consumption (EAEC), and the Estimated Annual Operating Cost (EAOC), which are not found in ANSI Standard C82.2-

¹ Part B of Title III of EPCA, as amended, is referred to in this notice as the "Act." Part B of Title III is codified at 42 U.S.C. 6291-6309.

1984 but are needed to comply with the Act. That is because section 323(b)(3) of the Act provides that test procedures be designed to measure energy efficiency, energy use and estimated annual operating cost.

II. Discussion

A. By this notice, the Department proposes to adopt test procedures for fluorescent lamp ballasts. These test procedures would apply to those products covered by section 325(g)(5) of the Act.

1. Test Procedure

The Department is proposing to incorporate by reference ANSI Standard C82.2-1984, as referenced in section 323(b)(5) of the Act, as a test procedure in appendix Q to subpart B of 10 CFR part 430. Any subsequent amendment to this standard by the standard-setting organization (ANSI) will not affect the DOE test procedures, which can be amended only by DOE. This test procedure will provide, *inter alia*, results suitable for determining whether the products comply with the standard levels established by the Act.

The test procedure uses a reference or known ballast and a conditioned lamp, i.e., a lamp that has been operated for more than 100 hours, in a test apparatus to measure power input and light output. After the reference conditions are recorded, the reference ballast is replaced by the ballast under test, and testing is repeated under the same conditions. ANSI Standard C82.2-1984 provides specific guidance on how the test is to be conducted.

2. Measures of Energy Consumption

DOE in today's notice is proposing three measures of energy consumption: (a) EAOC, (b) BEF, and (c) EAEC. These measures are to be included in

§ 430.22(q) of 10 CFR part 430, which was established by the Department's Federal Register notice of February 7, 1989, (54 FR 6062). The EAOC, BEF, and EAEC will provide the consumer with three means of evaluating the energy efficiency of fluorescent lamp ballasts. The Department has based the calculations of the measures of energy consumption for fluorescent lamp ballasts on the use of ANSI Standard C82.2-1984.

- The EAOC is expressed in dollars per year. It is the product of: the DOE representative unit energy cost for electricity, the input power, and the representative average use cycle.

- The BEF is a ratio of relative light output to total input wattage as determined by the use of the measurement procedures in ANSI Standard C82.2-1984.

- The EAEC is expressed in kilowatt-hours per year. It is the product of: the input power, and the representative average use cycle.

3. Power Factor

The Department is proposing a method for calculating the PF as the ratio of input power divided by the product of: input voltage and input current of a fluorescent lamp ballast. This measure is to be included in § 4.3 of appendix Q. The Department has based the calculation of the PF on the use of ANSI Standard C82.2-1984.

4. Representative Average Use Cycle

The Department, in its attempt to establish an EAOC for fluorescent lamp ballasts, was presented with several opinions as to what should be the annual average usage pattern or hourly use per year. The statement of Anthony J. Pucillo on behalf of the Lighting Equipment Division of the National Electrical Manufacturers Association

(NEMA) at the March 29, 1988 hearing before the Subcommittee on Energy Regulation and Conservation, Committee on Energy and Natural Resources, U.S. Senate (S. Hrg. 100-588) expressed the belief that 3,380 hours was the appropriate annual use. David Goldstein representing the National Resources Defense Council (NRDC), in his prepared testimony to the Subcommittee, assumed a 3,000 hour/year usage cycle for commercial applications in determining the energy savings from energy efficient ballasts.

Because of the various uses, residential or commercial, and the changing occupant usage pattern, the Department has considered five possible usage patterns of fluorescent lamp ballasts. They are presented below to illustrate the large degree of variation between usage patterns.

Maximum possible hours of use per year:
 $365 \text{ (day per year)} \times 24 \text{ (Hours per day)} = 8760 \text{ (hours per year)}$

- (1) Commercial office building:
 $52 \text{ (weeks per year)} \times 5 \text{ (days per week)} \times 10 \text{ (hours per day)} = 2600 \text{ (hours per year)}$
- (2) Commercial office building with an additional 10% of lights on all year for security/fire-safety reasons:
 $8760 - 2600 = 6160 \text{ (hours remaining per year)}$
 $\times 10\% = 616 \text{ (hours)}$
 $+ 2600 \text{ (hours)} = 3216 \text{ (hours per year)}$
- (3) Typical commercial business (department store, convenience store or supermarket):
 department store hours 9-9 = 12 hours per day
 convenience store/supermarket hours 7-11 = 16 hours per day
 $365 \text{ (day per year)} \times 14 \text{ (hours per day)} = 5110 \text{ (hours per year)}$
- (4) Residential, single family house:
 (a) $365 \text{ (days per year)} \times 4 \text{ (hours per day)} = 1460 \text{ (hours per year)}$
 (b) $365 \text{ (days per year)} \times 3 \text{ (hours per day)} = 1095 \text{ (hours per year)}$

³ The 14 hours per day was derived from the average of the department store and the convenience store/supermarket hours of operation.

	Table of usage patterns and factors based on 1000 hours					
	Maximum	1	2	3	4a	4b
Hrs/yr	8760	2600	3216	5110	1460	1095
% of yr	100	29.6	36.7	58.3	16.6	12.5
Factor	8.7	2.6	3.2	5.1	1.5	1.0

From an examination of the above usage patterns, DOE believes that no one pattern should represent the annual operating cost of a fluorescent lamp ballast. By establishing a unit cost of operation based on 1,000 hours of operation, estimated annual operating cost can be calculated by multiplying

the unit cost by a factor which represents the anticipated use of the product. The Department is interested in receiving comment on the unit cost of operation based on 1,000 hours and seeks any data that would support a different or singular annual use cycle, as well as any other suggested procedure

for determining representative average use cycles.

5. Number of Units to be Tested

The Act specifies that each fluorescent lamp ballast shall meet the standard. Furthermore, the legislative history states that the standards for

fluorescent lamp ballasts are intended to apply to each individual ballast and implies that the sampling plans established by the Department for the other covered products in the Program do not apply to fluorescent lamp ballasts.

In order to make representations of energy use or efficiency under section 323 of the Act and to certify compliance with the energy conservation standards promulgated in section 325, units representative of production line units of the basic model must be tested. To be certain that each unit is in compliance with the standard would require the testing of every unit. The cost and time constraints with this requirement make it infeasible. It is estimated that the industry manufactures nearly 50 million fluorescent lamp ballasts a year, with a value of \$370 million. Testing of a single ballast is estimated to cost \$25.⁴ Requiring the testing of each ballast would more than quadruple the price of the ballast. The Department has examined sampling plans that would yield a higher level of confidence than the sampling plans found in the existing test procedures for covered products.

Section 323(b)(3) requires that the test procedures prescribed by DOE not be unduly burdensome to conduct. DOE believes it would be unreasonable and unduly burdensome to require manufacturers to test each individual unit that they produce, and further believes that was not Congress' intent. Therefore, DOE is proposing sampling provisions that are designed both to maximize the confidence with which test results of units actually tested can be applied to units of the same basic model which are not tested, and to minimize the testing burden on manufacturers.

The Department is proposing a sampling plan for fluorescent lamp ballasts that is based on a 99 percent confidence level. The sampling provisions DOE is proposing today permit the testing of as few as two units for each basic model, thus minimizing the burden on manufacturers.⁵ The

Department believes these provisions promote the objectives of the Act.

Manufacturers and other interested persons are encouraged to comment on this sampling approach, as well as the underlying assumptions.

6. Basic Model

The Department is also including in today's proposed rulemaking a definition for a "Basic model" fluorescent lamp ballast in § 430.2. This definition will separate the various types of models of fluorescent lamp ballasts by electrical characteristics, e.g., power factor, voltage, and the number and wattage of lamps they power. Each unit within a Basic model must have essentially the same electrical characteristics. Furthermore, each unit within a given Basic model must not have any differing physical or functional characteristics that affect energy consumption.

7. Energy Conservation Standards

Section 323(e) of the Act requires DOE to determine to what extent, if any, an amended (in this case, proposed) test procedure would alter the measured energy efficiency or measured energy use of any covered product as determined under the existing test procedure.

DOE is not proposing any revisions to the energy conservation standards prescribed by the Act for fluorescent lamp ballasts. DOE believes that the proposed test procedure will not alter the measured energy efficiency or measured energy use of fluorescent lamp ballasts, since the Department is proposing to adopt the legislated test procedure upon which the standards are based.

B. By this notice DOE announces removal, at the time of the final rule, of the Department's rules and references concerning humidifiers and dehumidifiers. Although EPCA established humidifiers and dehumidifiers as covered products, NAECA 1988 excluded these appliances from the list of covered products. Therefore, the Department will remove all references to humidifiers and dehumidifiers in the final rule.

Further by this notice, DOE announces corrections, at the time of the final rule, of the Department's definition of "Act" and "Consumer product" as

they appear in § 430.2. The corrected language that will appear in the final rule is as follows:

"Act" means the Energy Policy and Conservation Act (Public Law 94-163), as amended by the National Energy Policy and Conservation Act (Public Law 95-619), the National Appliance Energy Conservation Act of 1987 (Public Law 100-12), and the National Appliance Energy Conservation Amendments of 1988 (Public Law 100-357).

"Consumer product" means any article (other than an automobile, as defined in section 501(1) of the Motor Vehicle Information and Cost Savings Act) of a type:

(a) Which in operation consumes, or is designed to consume energy; and

(b) Which, to any significant extent, is distributed in commerce for personal use or consumption by individuals; without regard to whether such article of such type is in fact distributed in commerce for personal use or consumption by an individual, except that such term includes fluorescent lamp ballasts distributed in commerce for personal or commercial use or consumption.

In addition, the Department announces corrections, at the time of the final rule, to the definitions of "F96T12 lamp" and "Luminaire" as they appear in appendix Q to subpart B of 10 CFR part 430. The corrected language that will appear in the final rule is as follows:

"F96T12 lamp" means a nominal 75 watt tubular fluorescent lamp which is 96 inches in length and one and one-half inches in diameter, and conforms to ANSI Standard C78.1-1978 (R1984).

"Luminaire" means a complete lighting unit consisting of a fluorescent lamp or lamps, together with parts designed to distribute the light, to position and protect such lamps, and to connect such lamps to the power supply through the ballast.

In § 430.32(m)(1)(i)(C), Energy conservation standards and effective dates, the Department announces corrections, at the time of the final rule, to the spelling of luminaire. In § 430.32(m)(1)(ii)(C), the Department announces correction, at the time of the final rule, of: Two F96T12 lamps.

III. Public Comment

A. Written Comment Procedures

Interested persons are invited to participate in the rulemaking by submitting data, comments, or information with respect to the proposed test procedure set forth in this notice to

⁴ These estimates were developed from information supplied by the Electrical Testing Laboratory (ETL), Inc., Cortland, N.Y. ETL is an independent testing laboratory that tests fluorescent lamp ballasts as part of the industry's certification program. The certification program is conducted by the National Electrical Manufacturers Association (NEMA).

⁵ On March 4, 1988, the Department proposed rules concerning sampling requirements for the purpose of certification and enforcement of the standards (53 FR 7110). (Hereafter referred to as the March proposal). NEMA, in comments on the March proposal, stated that it is the practice in that industry to design and produce every ballast to meet performance standards. Therefore, NEMA

proposed that ballasts be exempt from the sampling procedures in the March proposal. In the February 7, 1989 final rule, DOE rejected NEMA's proposal because it could unjustly burden manufacturers since it would penalize a manufacturer for an anomalous unit. (54 FR 6062).

the address indicated at the beginning of the notice.

Submittals should be identified on the outside of the envelope and on documents submitted to DOE with the designation "Fluorescent Lamp Ballast Test Procedures, Docket No. CE-RM-90-102." Nine (9) copies are requested to be submitted. All submittals received by the date specified at the beginning of this notice will be considered by DOE before final action is taken on the proposed regulations.

Pursuant to the provisions of 10 CFR 1004.11, any person submitting information which he or she believes to be confidential and exempt by law from public disclosure should submit one complete copy of the document and 8 copies, if possible, from which the information believed to be confidential has been deleted. DOE will make its own determination with regard to the confidential status of the information and treat it according to its determination.

Factors of interest to DOE when evaluating requests to treat as confidential information that has been submitted include: (1) A description of the items; (2) an indication as to whether and why such items of information have been treated by the submitting party as confidential, and whether and why such items are customarily treated as confidential within the industry; (3) whether the information is generally known by or available from other sources; (4) whether the information has previously been made available to others without obligation concerning its confidentiality; (5) an explanation of the competitive injury to the submitting person which would result from public disclosure; (6) an indication as to when such information might lose its confidential character due to the passage of time; and (7) why disclosure of the information would be contrary to the public interest.

B. Public Hearing

1. Procedures for Submitting Requests to Speak

The time and place of the public hearing are indicated at the beginning of this notice. DOE invites any person who has an interest in today's proposed rule, or who is a representative of a group or class of persons that has an interest in the proposed test procedure, to make a request for an opportunity to make an oral presentation. Such requests should be directed to the address indicated at the beginning of this notice. Requests may be hand delivered to such address between the hours of 9 a.m. and 4 p.m.,

Monday through Friday. Requests should be labeled "Fluorescent Lamp Ballast Test Procedures, Docket No. CE-RM-90-102" both on the document and on the envelope.

The person making the request should briefly describe the interest concerned and state why he or she, either individually or as a representative of a group or class of persons that have such an interest, is an appropriate spokesperson, and give a telephone number where he or she may be contacted.

Each person to be heard shall submit nine (9) copies of his or her statement at the hearing.

In the event any person wishing to testify cannot meet this requirement, requests for alternative arrangements can be made with the Office of Hearings and Dockets in advance of the hearing by so indicating in the letter requesting permission to make an oral presentation.

2. Conduct of Hearing

DOE reserves the right to select the persons to be heard at this hearing, to schedule the respective presentations, and to establish the procedures governing the conduct of the hearing. Each presentation shall be limited to 20 minutes.

A DOE official will be designated to preside at the hearing. The hearing will not be a judicial or an evidentiary-type hearing, but will be conducted in accordance with 5 U.S.C. 553 and section 336 of the Act. At the conclusion of all initial oral statements, each person who has made an oral statement will be given the opportunity to make a rebuttal statement. The rebuttal statements will be subject to time limitations to be established by the designated hearing official.

Any interested person who wishes to ask a question at the hearing may submit the question, in writing, to the presiding officer to be asked of any person making a statement at the hearing. The presiding officer will determine whether the question is relevant and whether time limitations permit it to be presented for an answer.

A transcript of the hearing will be made and the entire record of the hearing, including the transcript, will be retained by DOE and made available for inspection at the DOE Freedom of Information Reading Room, Room 1E-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between the hours of 8:30 a.m. and 4 p.m., Monday through Friday. For information concerning the availability of records at the Freedom of Information Reading Room, call (202)

586-6020. In addition, any person may purchase a copy of the hearing transcript from the reporter.

IV. Environmental Review

Pursuant to section 7(c)(2) of the Federal Energy Administration Act of 1974 (FEAA) (Public Law 93-275), a copy of this notice has been submitted to the Administrator of the Environmental Protection Agency for his comments concerning the impact of this proposal on the quality of the environment.

Since test procedures under the Program will be used only to standardize the measurement of energy usage, and will not affect the quality or distribution of energy usage, prescribing test procedures will not result in any environmental impacts. DOE, therefore, has determined that prescribing test procedures under the Program is not a major Federal action significantly affecting the quality of the human environment within the meaning of the National Environmental Policy Act of 1969. Consequently, neither an Environmental Impact Statement nor an Environmental Assessment is required for the proposed rule.

V. Review Under Executive Order 12291

The proposed rule has been reviewed in accordance with Executive Order 12291 (46 FR 13193, February 19, 1981) which directs that all regulations achieve their intended goals without imposing unnecessary burdens on the economy, on individuals, on public or private organizations, or on State and local governments. Executive Order 12291 also requires that regulatory impact analyses be prepared for "major rules," which it defines as any regulation that is likely to result in: (1) An annual effect on the economy of \$100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of the United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The proposed rule would establish test procedures for fluorescent lamp ballasts. DOE has determined that any burden imposed on any person, industry or government entity by the establishment of these test procedures, based in part on commercial standards, is not significant enough to bring the proposed rule within the definition of "major rule."

In accordance with section 3(c)(3) of Executive Order 12291, which applies to rules other than major rules, the proposed rule was submitted to the Office of Management and Budget (OMB) for review without a regulatory impact analysis. This rule has been reviewed by OMB in accordance with the procedures applicable to rules other than major rules.

VI. Regulatory Flexibility Act

The Regulatory Flexibility Act (Public Law 96-345), (5 U.S.C. 601-612), requires that an agency prepare an initial regulatory flexibility analysis to be published at the time the proposed rule is published. This requirement (which appears in section 603) does not apply if the agency "certifies that the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities." The proposed rule affects manufacturers of fluorescent lamp ballasts. As previously discussed, the test procedure would not have significant economic impact, but rather would simply provide a common testing method. Therefore, DOE certifies that the proposed rule, if promulgated, would not have a "significant economic impact on a substantial number of small entities."

VII. Federalism Review

Executive Order 12612 (52 FR 41685, October 30, 1987) requires that regulations or rules be reviewed for any substantial direct effects on States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among various levels of government. If there are sufficient substantial direct effects, then Executive Order 12612 requires preparation of a federalism assessment to be used in all decisions involved in promulgating such a regulation or rule.

DOE has identified a substantial direct effect that today's proposed rule would have on State governments. It would initially preempt inconsistent State regulations. However, DOE has concluded that the initially preemptive effect is not sufficient to warrant preparation of a federalism assessment for the following reason: the Act provides for subsequent State petitions for exemption, which necessarily means that the determination as to whether a State law prevails must be made on a case-by-case basis using criteria set forth in the Act. When DOE receives such a petition, it will then be appropriate to consider preparing a federalism assessment consistent with the criteria in the Act.

VIII. "Takings" Assessment Review

Executive Order 12630 (53 FR 8859, March 18, 1988) directs that, in proposing a regulation, an agency conduct a "takings" review. Such a review is intended to assist agencies in avoiding unnecessary takings which might require compensation under the Fifth Amendment to the United States Constitution. For purposes of Executive Order 12630, "policies that have takings implications" refers to Federal regulations, proposed Federal regulations, proposed Federal legislation, comments on proposed Federal legislation, or other Federal policy statements that, if implemented or enacted, could effect a taking, such as rules and regulations that propose or implement licensing, permitting, or other condition requirements or limitations on private property use, or that require dedications or exactions from owners of private property.

The test procedure proposed today is required by the Act and will substantially advance the statutory objective of promoting appliance energy efficiency through dissemination of better information in the marketplace. Moreover, the proposed test procedure would have minimal economic impact on manufacturers. Therefore, the Department believes that the establishment of fluorescent lamp ballast test procedures as part of the Program does not represent a "taking" under the provisions of Executive Order 12630 cited above.

IX. Review Under Section 32 of the FEAA

The test procedures proposed today incorporate the commercial standard to measure the efficiency and capacity of fluorescent lamp ballasts. The commercial standard is ANSI Standard C82.2-1984.

Pursuant to section 301 of the Department of Energy Organization Act (Public Law 95-91), DOE is required to comply with section 32 of the FEAA, as amended by section 9 of the Federal Energy Administration Authorization Act of 1977 (Public Law 95-70).

The findings required of DOE by section 32 serve to alert the public and DOE regarding the use and background of commercial standards in a proposal and, through the rulemaking process, allow interested persons to make known their views regarding the appropriateness of the use of any particular commercial standard in a proposed rulemaking.

DOE has evaluated ANSI Standard C82.2-1984 with regard to compliance with section 32(b). It is the judgment of

DOE that this standard may not fully comply with the requirements of section 32(b), in that this standard may not have been developed in a manner which fully provided for public participation, comment, and review.

As required by section 32(c), DOE will consult with the Attorney General and the Chairman of the Federal Trade Commission concerning the impact of this standard on competition, prior to prescribing final test procedures.

List of Subjects in 10 CFR Part 430

Administrative practice and procedure, Energy conservation, Household appliances, Incorporation by reference.

In consideration of the foregoing, it is proposed to amend part 430 of chapter II of title 10, Code of Federal Regulations, as set forth below.

Issued in Washington, DC, February 20, 1990.

J. Michael Davis,

Assistant Secretary, Conservation and Renewable Energy.

PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS

1. The authority citation for part 430 continues to read as follows:

Authority: Energy Policy and Conservation Act, Title III, Part B, as amended by National Energy Conservation Policy Act, Title IV, Part 2, by the National Appliance Energy Conservation Act of 1987, and by the National Appliance Energy Conservation Amendments of 1988 (42 U.S.C. 6291-6309).

2. Section 430.2 is amended by adding a "Basic model" definition for fluorescent lamp ballasts, as follows:

§ 430.2 Definitions.

* * * * *

"Basic model"

* * * * *

(16) With respect to fluorescent lamp ballasts, which have electrical characteristics which are essentially identical and which do not have any differing physical or functional characteristics that affect energy consumption.

* * * * *

3. Section 430.22 is amended by adding new paragraph (q) as follows:

§ 430.22 Test procedures for measures of energy consumption.

* * * * *

(q) *Fluorescent Lamp Ballasts.* (1) The estimated annual operating cost for fluorescent lamp ballasts, expressed in dollars per year, shall be the product of:

(i) the representative average unit energy cost of electricity in dollars per kilowatt-hour as provided by the Secretary, (ii) the representative average use cycle of 1,000 hours per year, and (iii) the input power in kilowatts as determined in accordance with 3.3.1 of Appendix Q to this subpart, the resulting product then being rounded off to the nearest dollar per year.

(2) Ballast Efficacy Factor (BEF) shall be as determined in § 4.2 of appendix Q of this subpart.

(3) The estimated annual energy consumption for fluorescent lamp ballasts, expressed in kilowatt-hours per year, shall be the product of: (i) the input power in kilowatts as determined in accordance with 3.3.1 of Appendix Q to this subpart, and (ii) the representative average use cycle of 1,000 hours per year, the resulting product then being rounded off to the nearest kilowatt-hour per year.

(4) Other useful measures which may be applicable. (Reserved)

4. Section 430.23 is amended by adding new paragraph (q) as follows:

§ 430.23 Units to be tested.

(q)(1) For each basic model of fluorescent lamp ballasts, as defined in paragraph (16) of § 430.2, a sample of sufficient size shall be tested to insure that—

(i) Any represented value of estimated annual energy operating costs, energy consumption or other measure of energy consumption of a basic model for which consumers would favor lower values shall be no less than the higher of (A) the mean of the sample or (B) the upper 99 percent confidence limit of the true mean divided by 1.01, and

(ii) Any represented value of the ballast efficacy factor or other measure of the energy consumption of a basic model for which consumers would favor a higher value shall be no greater than the lower of (A) the mean of the sample or (B) the lower 99 percent confidence limit of the true mean divided by 0.99.

5. Subpart B of part 430, appendix Q, is amended by adding sections 2, 3, and 4 as follows:

Appendix Q to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Fluorescent Lamp Ballasts

2. *Test Conditions.* Establish the test conditions described in sections 4, 5, 6, 7, and 21 of ANSI Standard C82.2-1984.

3. *Test Method and Measurements.*

3.1 The test method for testing fluorescent lamp ballasts shall be done in accordance with the American National Standard Institute (ANSI) Standard C82.2-1984, "American National Standard for Fluorescent Lamp Ballasts—Methods of Measurement," approved October 21, 1983. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. Copies may be inspected at the Department of Energy, Freedom of Information Reading Room, Room 1E-190, Fluorescent Lamp Ballasts, Docket No. CE-RM-89-102, 1000 Independence Avenue, SW, Washington, DC 20585, or at the Office of the Federal Register, 1100 L Street, NW., Room 8401, Washington DC. Any subsequent amendment to this standard by the standard-setting organization will not affect the DOE test procedures unless and until amended by DOE.

3.2 *Instrumentation.* The instrumentation shall be as specified by sections 8, 9, 10, 11, 12, 19.1, and 23.2 of ANSI Standard C82.2-1984.

3.3 *Electric Supply.*

3.3.1 *Input Power.* Measure the input power (watts) to the ballast in accordance with ANSI Standard C82.2-1984, sections 3.2.1 (3) and 4.

3.3.2 *Input Voltage.* Measure the input voltage (volts) to the ballast in accordance with ANSI Standard C82.2-1984, sections 3.2.1 (1) and 4.

3.3.3 *Input Current.* Measure the input current (amps) to the ballast in accordance with ANSI Standard C82.2-1984, sections 3.2.1 (2) and 4.

3.4 *Light Output.*

3.4.1 Measure the light output of the reference lamp with the reference ballast in accordance with ANSI Standard C82.2-1984, section 16.

3.4.2 Measure the light output of the reference lamp with the test ballast in accordance with ANSI Standard C82.2-1984, section 16.

4. *Calculations.*

4.1 Calculate relative light output:
relative = Photocell output of lamp on test ballast × 100

light output Photocell output of lamp on ref. ballast

Where:

photocell output of lamp on ref. ballast is determined in accordance with section 3.4.2, expressed in watts, and
photocell output of lamp on ref. ballast is determined in accordance with section 3.4.1, expressed in watts.

4.2 Determine the Ballast Efficacy Factor (BEF) using the following equations:

(a) Single lamp ballast

$$BEF = \frac{\text{relative light output}}{\text{input power}}$$

(b) Multiple lamp ballast

$$BEF = \frac{\text{average relative light output}}{\text{input power}}$$

Where:

input power is determined in accordance with section 3.3.1,
relative light output as defined in section 4.1, and
average relative light output is the relative light output, as defined in section 4.1, for all lamps, divided by the total number of lamps.

4.3 Determine Ballast Power Factor (PF):

$$PF = \frac{\text{Input power}}{\text{input voltage} \times \text{input current}}$$

Where:

Input power is as defined in section 3.3.1,
Input voltage is determined in accordance with section 3.3.2, expressed in volts, and
Input current is determined in accordance with section 3.3.3, expressed in amps.

[FR Doc. 90-4956 Filed 3-2-90; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 21 and 25

[Docket No. NM-45; Notice No. SC-90-4-NM]

Special Conditions: British Aerospace, Public Limited Company, Model BAe 125-1000A Airplane, High Altitude Operation, Lightning, and Radio Frequency (RF)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed special conditions.

SUMMARY: This notice proposes special conditions for the British Aerospace, Public Limited Company (BAe), Model BAe 125-1000A airplane. This airplane will have an unusually high operating altitude and a new Full Authority Digital Engine Control (FADEC), which are novel and unusual design features when compared to the state of technology envisioned in the airworthiness standards for transport category airplanes in the Federal Aviation Regulations (FAR). This notice contains the additional safety standards which the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

DATES: Comments must be received on or before April 19, 1990.

ADDRESSES: Comments on this proposal may be mailed in duplicate to: Federal Aviation Administration, Office of the Assistant Chief Counsel, Attn: Rules Docket (ANM-7), Docket No. NM-45, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168; or delivered in duplicate to the Office of the Assistant Chief Counsel at the above address. Comments must be marked: Docket No. NM-45. Comments may be inspected in the Rules Docket weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: For high altitude: Gary Lium, telephone (206) 431-2118, Flight Test and Systems Branch, ANM-111, and for RF and lightning: Gene Vandermolen, telephone (206) 431-2157, Flight Test and Systems Branch, ANM-111, Transport Airplane Directorate, Aircraft Certification Service, FAA, 17900 Pacific Highway South, C-68966, Seattle, Washington, 98168.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed special conditions by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments will be considered by the Administrator before taking action on this proposal. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Persons wishing the FAA to acknowledge receipt of their comments submitted in response to this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. NM-45." The postcard will be date/time stamped, and returned to the commentor.

Background

On July 13, 1988, British Aerospace, Public Limited Company (BAe), applied for an amendment to their Type Certificate No. A3EU to include their new Model BAe 125-1000A airplane.

The Model BAe 125-1000A, which is a derivative of the Model BAe 125-800A currently approved under Type Certificate No. A3EU, incorporates a 43,000-foot certification ceiling and miscellaneous product improvements, including a Full Authority Digital Engine Control (FADEC) system which controls critical engine parameters.

Type Certification Basis

Under the provisions of § 21.101 of the FAR, British Aerospace must show that the Model BAe 125-1000A meets the applicable provisions of the regulations incorporated by reference in Type Certificate No. A3EU or the applicable regulations in effect on the date of application for the Model BAe 125-1000A. The regulations incorporated by reference are commonly referred to as the "original type certification basis." The regulations incorporated by reference in Type Certificate No. A3EU are as follows:

Sections 25.2, 25.305 (wing), 25.571, 25.903(d)(1), 25.979 (a) through (c), 25.1419, and 25.1529 of Amendment 25-54. Part 36 of the Federal Aviation Regulations effective December 1, 1969, as amended by Amendments 36-1 through 36-12. Special Federal Aviation Regulations (SFAR) 27 as amended by Amendments 27-1 through 27-24.

The BAe 125-1000A (changes to the BAe 125-800A) are to meet Part 25 through Amendment 25-70. No exemptions are anticipated. SFAR 27 and 36 through amendments in existence at the time of awarding the type certificate are to be met. The special conditions which may be developed as a result of this notice will form an additional part of the type certification basis.

Special conditions may be issued and amended, as necessary, as a part of the type certification basis if the Administrator finds that the airworthiness standards designed in accordance with § 21.101(b)(2) do not contain adequate or appropriate safety standards because of novel or unusual design features of an airplane. Special conditions, as appropriate, are issued in accordance with § 11.49 after public notice as required by §§ 11.28 and 11.29(b), effective October 14, 1980, and may become part of the type certification basis in accordance with § 21.101.

If the Administrator finds that the applicable airworthiness regulations (i.e., part 25, as amended) do not contain adequate or appropriate safety standards for the Model BAe 125-1000A because of a novel or unusual design feature, special conditions are prescribed under the provisions of

§ 21.16 to establish a level of safety equivalent to that established in the regulations.

Special conditions, as appropriate, are issued in accordance with § 11.49 of the FAR after public notice, as required by §§ 11.28 and 11.29, and become part of the type certification basis in accordance with § 21.17(a)(2). In addition to the applicable airworthiness regulations and special conditions, the Model BAe 125-1000A must comply with the noise certification requirements of part 36 and the engine emission requirements of Special Federal Aviation Regulation (SFAR) 27.

Novel or Unusual Design Features

Operation up to 43,000 feet

The BAe Model BAe 125-1000A will incorporate an unusual design feature in that it will be certified to operate up to an altitude of 43,000 feet.

The FAA considers certification of transport category airplanes for operation at altitudes greater than 41,000 feet to be a novel or unusual feature because current part 25 does not contain standards to ensure the same level of safety as that provided during operation at lower altitudes. Special conditions have, therefore, been adopted to provide adequate standards for transport category airplanes previously approved for operation at these high altitudes, including certain Learjet models, the Boeing Model 747, Dassault-Breguet Falcon 900, Canadair Model 600, Cessna Model 650, Israel Aircraft Industries Model 1125 and Cessna Model 560. The special conditions for the Model 1125 are considered the most applicable to the BAe 125-1000A and its proposed operation. They are, therefore, used as the basis for the special conditions described below.

Damage tolerance methods are proposed to be used to assure pressure vessel integrity while operating at the higher altitudes, in lieu of the 1/2-bay crack criterion used in some previous special conditions. Crack growth data are used to prescribe an inspection program which should detect cracks before an opening in the pressure vessel would allow rapid depressurization. Initial crack sizes for detection are determined under § 25.571, Amendment 25-54. The cabin altitude after failure must not exceed the cabin altitude/time curve limits shown in Figures 3 and 4.

Continuous flow passenger oxygen equipment is certificated for use up to 40,000 feet; however, for rapid decompressions above 34,000 feet, reverse diffusion leads to low oxygen partial pressures in the lungs, to the

extent that a small percentage of passengers may lose useful consciousness at 35,000 feet. The percentage increases to an estimated 60 percent at 40,000 feet, even with the use of the continuous flow system. To prevent permanent physiological damage, the cabin altitude must not exceed 25,000 feet for more than 2 minutes. The maximum peak cabin altitude of 40,000 feet is consistent with the standards established for previous certification programs. In addition, at high altitudes the other aspects of decompression sickness have a significant, detrimental effect on pilot performance (for example, a pilot can be incapacitated by internal expanding gases).

Decompression above the 37,000-foot limit of Figure 4 approaches the physiological limits of the average person; therefore, every effort must be made to provide the pilots with adequate oxygen equipment to withstand these severe decompressions. Reducing the time interval between pressurization failure and the time the pilots receive oxygen will provide a safety margin against being incapacitated and can be accomplished by the use of mask-mounted regulators. The proposed special condition, therefore, would require pressure demand masks with mask-mounted regulators for the flightcrew. This combination of equipment will provide the best practical protection for the failures covered by the special conditions and for improbable failures not covered by the special conditions, provided the cabin altitude is limited.

Protection From the Unwanted Effect of Lightning and Radio Frequency (RF) Energy

The existing lightning protection airworthiness certification requirements are insufficient to provide an acceptable level of safety with the new technology avionic systems. There are two regulations that specifically pertain to lightning protection, one for the airframe in general (§ 25.581), and the other for fuel system protection (§ 25.954). There are, however, no regulations that deal specifically with protection of electrical and electronic systems from lightning. The loss of a critical function of these systems due to lightning would prevent continued safe flight and landing of the airplane. Although the loss of an essential function would not prevent continued safe flight and landing, it would significantly impact the safety level of the airplane.

There is also no specific regulation that addresses protection requirements for electrical and electronic systems

from high energy, radio frequency (RF) transmissions. Increased power levels from ground based radio transmitters and the growing use of sensitive electrical and electronic systems to command and control airplanes have made it necessary to provide adequate protection.

To ensure that a level of safety is achieved equivalent to that intended by the regulations incorporated by reference, special conditions are proposed for the British Aerospace Model BAe 125-1000A airplane which would require that the new technology electrical and electronic systems such as the Full Authority Digital Engine Control (FADEC) systems, be designed and installed to preclude component damage and interruption of function due to both the direct and indirect effects of lightning and radio frequency energy.

Lightning

To provide a means of compliance with the proposed special conditions, a clarification on the threat definition for lightning is needed.

The following "threat definition," based on SAE Report AE4L-87-3, is proposed as a basis to use in demonstrating compliance with the proposed lightning protection special condition.

The lightning current waveforms (Components A, D, and H) defined below, along with the voltage waveforms in Advisory Circular (AC) 20-53A, will provide a consistent and reasonable standard which is acceptable for use in evaluating the effects of lightning on the airplane. These waveforms depict threats that are external to the airplane. How these threats affect the airplane and its systems depend upon their installation configuration, materials, shielding, airplane geometry, etc. Therefore, tests (including tests on the completed airplane or an adequate simulation) and/or verified analyses need to be conducted in order to obtain the resultant internal threat to the installed systems. The electronic systems may then be evaluated with this internal threat in order to determine their susceptibility to upset and/or malfunction.

To evaluate the induced effects to these systems, three considerations are required:

1. *First Return Stroke:* (Severe Strike—Component A, or Restrike—Component D). This external threat needs to be evaluated to obtain the resultant internal threat and to verify that the level of the induced currents and voltages is sufficiently below the equipment "hardness" level; then

2. *Multiple Stroke Flash:* ($\frac{1}{2}$ Component D). A lightning strike is often composed of a number of successive strokes, referred to as multiple strokes. Although multiple strokes are not necessarily a salient factor in a damage assessment, they can be the primary factor in a system upset analysis. Multiple strokes can induce a sequence of transients over an extended period of time. While a single event upset of input/output signals may not affect system performance, multiple signal upsets over an extended period of time (2 seconds) may affect the systems under consideration. Repetitive pulse testing and/or analysis need to be carried out in response to the multiple stroke environment to demonstrate that the system response meets the safety objective. This external multiple stroke environment consists of 24 pulses and is described as a single Component A followed by 23 randomly spaced restrikes of $\frac{1}{2}$ magnitude of Component D (peak amplitude of 50,000 amps).

The 23 restrikes are distributed over a period of up to 2 seconds according to the following constraints: (1) the minimum time between subsequent strokes is 10 ms, and (2) the maximum time between subsequent strokes is 200 ms. An analysis or test needs to be accomplished in order to obtain the resultant internal threat environment for the system under evaluation.

And,

3. *Multiple Burst:* (Component H). In-flight data-gathering projects have shown bursts of multiple, low amplitude, fast rates of rise, short duration pulses accompanying the airplane lightning strike process. While insufficient energy exists in these pulses to cause physical damage, it is possible that transients resulting from this environment may cause upset to some digital processing systems.

The representation of this interference environment is a repetition of short duration, low amplitude, high peak rate of rise, double exponential pulses which represent the multiple bursts of current pulses observed in these flight data gathering projects. This component is intended for an analytical (or test) assessment of functional upset of the system. Again, it is necessary that this component be translated into an internal environmental threat in order to be used. This "Multiple Burst" consists of 24 random sets of 20 strokes each, distributed over a period of 2 seconds. Each set of 20 strokes is made up of 20 repetitive Component H waveforms distributed within a period of one millisecond. The minimum time between individual Component H pulses within a

burst is 10 μ s, the maximum is 50 μ s. The 24 bursts are distributed over a period of up to 2 seconds according to the following constraints: (1) The minimum time between subsequent strokes is 10 ms, and (2) the maximum time between subsequent strokes is 200 ms. The

individual "Multiple Burst" Component H waveform is defined below.

The following current waveforms constitute the "Severe Strike" (Component A), "Restrike" (Component D), "Multiple Stroke" ($\frac{1}{2}$ Component D), and the "Multiple Burst" (Component H).

These components are defined by the following double exponential equation:

$$i(t) = I_0 (e^{-at} - e^{-bt})$$

where:

t = time in seconds,

i = current in amperes, and

Severe Strike (component A)	Restrike (component D)	Multiple Stroke ($\frac{1}{2}$ component D)	Multiple burst (component H)
I_0 , amp = 218,810	109,405	54,703	10,572
a, sec ⁻¹ = 11,354	22,708	22,708	187,191
b, sec ⁻¹ = 647,265	1,294,530	1,294,530	19,105,100

This equation produces the following characteristics:

i_{peak} and (di/dt) _{max} (amp/sec)	= 200 KA	100 KA	50 KA	10 KA
di/dt, (amp/sec)	= 1.4×10^{11} @t = 0+sec	1.4×10^{11} @t = 0+sec	0.7×10^{11} @t = 0+sec	2.0×10^{11} @t = 0+sec
Action Integral (amp ² sec)	= 2.0×10^8	0.25×10^8	$.0625 \times 10^8$	

Radio Frequency (RF) Energy

With the trend toward increased power levels from ground based transmitters, plus the advent of space and satellite communications, coupled with electronic command and control of the airplane, the immunity of the FADEC to RF energy must be established.

It is not possible to precisely define the RF energy to which the airplane will be exposed in service. There is also uncertainty concerning the effectiveness of airframe shielding for RF energy. Furthermore, coupling to cockpit installed equipment through the cockpit window apertures is undefined. Based on surveys and analysis of existing RF emitters, an adequate level of protection exists when compliance with the RF protection special condition is shown with either paragraphs 1 or 2 below:

1. A minimum RF threat of 100 volts per meter average electric field strength from 10 KHz to 18 GHz.

a. The threat must be applied to the system elements and their associated wiring harnesses without the benefit of airframe shielding.

b. Demonstration of this level of protection is established through system tests and analysis.

2. An RF threat external to the airframe of the following field strengths for the frequency ranges indicated.

Frequency	Peak (V/M)	Average (V/M)
10 KHz-500 KHz	80	80
500 KHz-2 MHz	80	80
2 MHz-30 MHz	200	200
30 MHz-100 MHz	33	33
100 MHz-200 MHz	33	33
200 MHz-400 MHz	150	33
400 MHz-1 GHz	8,300	2,000
1 GHz-2 GHz	9,000	1,500
2 GHz-4 GHz	17,000	1,200
4 GHz-6 GHz	14,500	800
6 GHz-8 GHz	4,000	666
8 GHz-12 GHz	9,000	2,000
12 GHz-20 GHz	4,000	509
20 GHz-40 GHz	4,000	1,000

The RF envelope given in paragraph 2 above is a revision to the envelope used in previously issued special conditions in other certification projects. It is based on new data and SAE AE4R subcommittee recommendations. This revised envelope includes data from Western Europe and the U.S. It will also be adopted by the European Joint Airworthiness Authorities.

Conclusion

This action affects only certain unusual or novel design features on one model of airplane. It is not a rule of general applicability and affects only the manufacturer who applied to the FAA for approval of these features on the airplane.

List of Subjects in 14 CFR Parts 21 and 25

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Special Conditions

Accordingly, the Federal Aviation Administration (FAA) proposes the following special conditions as part of the type certification basis for the British Aerospace, Public Limited Company, Model BAe 125-1000A series airplane:

1. The authority citation for these special conditions is as follows:

Authority: 49 U.S.C. 1344, 1348(c), 1352, 1354(a), 1355, 1421 through 1431, 1502, 1651(b)(2), 42 U.S.C. 1857f-10, 4321 et seq.; E.O. 11514; 49 U.S.C., 106(g) (Revised Pub. L. 97-449, January 12, 1983).

2. Operation to 43,000 feet:

a. Pressure Vessel Integrity.

1. The maximum extent of failure and pressure vessel opening that can be demonstrated to comply with paragraph d (Pressurization) of this special condition must be determined. It must be demonstrated by crack propagation and damage tolerance analysis supported by testing that a larger opening or a more severe failure than demonstrated will not occur in normal operations.

2. Inspection schedules and procedures must be established to assure that cracks and normal fuselage leak rates will not deteriorate to the

extent that an unsafe condition could exist during normal operation.

b. *Ventilation.* In lieu of the requirements of § 25.831(a), the ventilation system must be designed to provide a sufficient amount of uncontaminated air to enable the crewmembers to perform their duties without undue discomfort of fatigue, and to provide reasonable passenger comfort during normal operating conditions and also in the event of any probable failure of any system which could adversely affect the cabin ventilating air. For normal operations, crewmembers and passengers must be provided with at least 10 cubic feet of fresh air per minute per person, or the equivalent in filtered, recirculated air based on the volume and composition at the corresponding cabin pressure altitude of not more than 8,000 feet.

c. *Air Conditioning.* In addition to the requirements of § 25.831, paragraphs (b) through (e), the cabin cooling system must be designed to meet the following conditions during flight above 15,000 feet mean sea level (MSL):

1. After any probable failure, the cabin temperature-time history may not exceed the values shown in Figure 1.

2. After any improbable failure, the cabin temperature-time history may not exceed the values shown in Figure 2.

d. *Pressurization.* In addition to the requirements of § 25.841 and 4b.375, the following apply:

1. The pressurization system, which includes for this purpose bleed air, air conditioning, and pressure control systems, must prevent the cabin altitude from exceeding the cabin altitude-time history shown in Figure 3 after each of the following:

a. Any probable malfunction or failure of the pressurization system. The existence of undetected, latent malfunctions or failures in conjunction with probable failures must be considered.

b. Any single failure in the pressurization system combined with the occurrence of a leak produced by a complete loss of a door seal element, or a fuselage leak through an opening having an effective area 2.0 times the effective area which produces the maximum permissible fuselage leak rate approved for normal operation, whichever produces a more severe leak.

2. The cabin altitude-time history may not exceed that shown in Figure 4 after each of the following:

a. The maximum pressure vessel opening resulting from an initially detectable crack propagating for a period encompassing four normal inspection intervals. Mid-panel cracks and cracks through skin-stringer and skin-frame combinations must be considered.

b. The pressure vessel opening or duct failure resulting from probable damage (failure effect) while under maximum operating cabin pressure differential due to a tire burst, engine rotor burst, loss of antennas or stall warning vanes, or any probable equipment failure (bleed air, pressure control, air conditioning, electrical source(s), etc.) that affects pressurization.

c. Complete loss of thrust from all engines.

3. In showing compliance with paragraphs d1 and d2 of these special conditions (Pressurization), it may be assumed that an emergency descent is made by approved emergency procedure. A 17-second crew recognition and reaction time must be applied between cabin altitude warning and the initiation of an emergency descent.

Note: For the flight evaluation of the rapid descent, the test article must have the cabin volume representative of what is expected to be normal, such the BAe must reduce the total cabin volume by that which would be occupied by the furnishings and total number of people.

e. *Oxygen Equipment and Supply.*

1. A continuous flow oxygen system must be provided for the passengers.

2. A quick-donning pressure demand mask with mask-mounted regulator must be provided for each pilot. Quick-donning from the stowed position must be demonstrated to show that the mask can be withdrawn from stowage and donned within 5 seconds.

3. *Lightning Protection:*

a. Each electronic system which performs critical functions must be designed and installed to ensure that the operation and operational capability of these systems to perform critical functions are not affected when the airplane is exposed to lightning.

b. Each essential function of new or modified electronic systems or installations must be protected to ensure that the function can be recovered in a timely manner after the airplane has been exposed to lightning.

4. *Protection from Unwanted Effects of Radio Frequency (RF) Energy:*

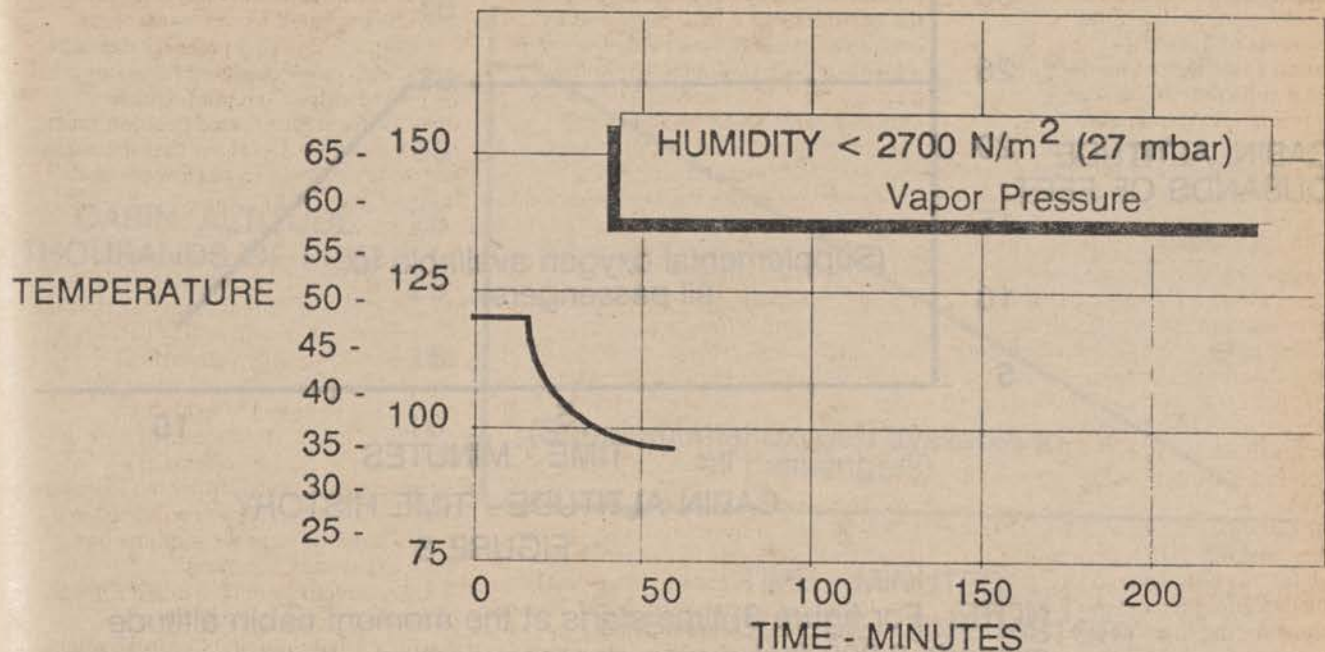
a. The Digital Engine Control System must be designed and installed to ensure that the operation and operational capabilities of this system to perform each critical function are not adversely affected when the airplane is exposed to high energy RF fields.

b. For the purpose of these special conditions, the following definitions apply:

Critical Function. Any function the failure of which would contribute to or cause a failure condition which would prevent the continued safe flight and landing of the airplane.

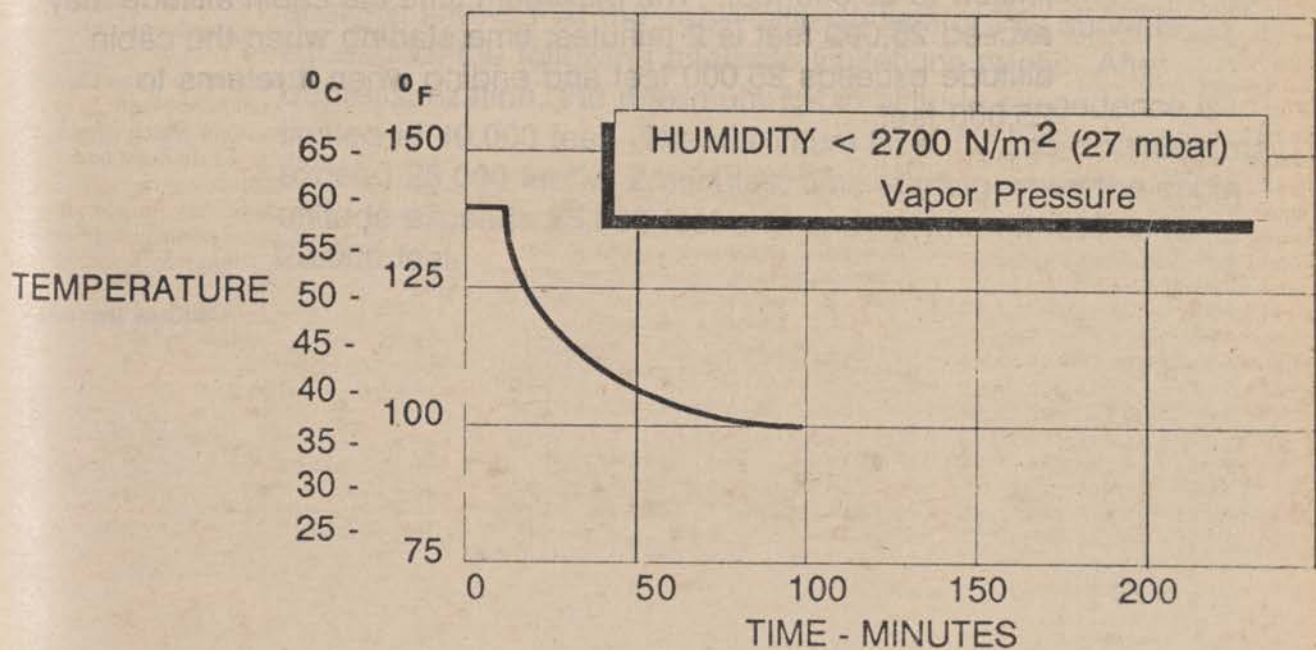
Essential Functions. Any function the failure of which would contribute to or cause a failure condition which would have a significant impact on the safety of the airplane or the ability of the flightcrew to cope with adverse operating conditions.

BILLING CODE 4910-13-M



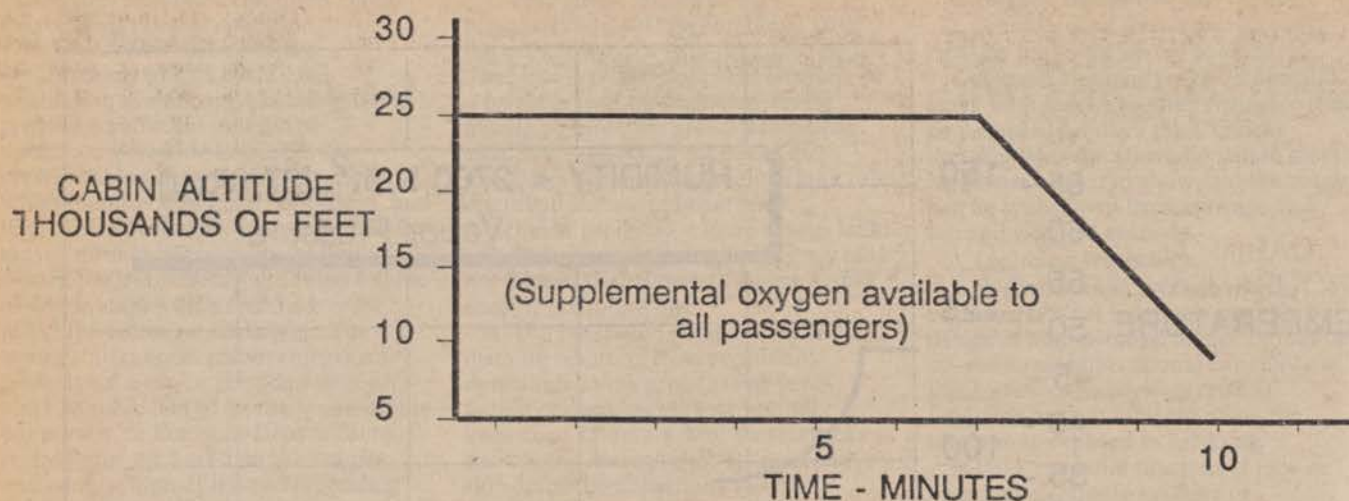
TIME - TEMPERATURE RELATIONSHIP

FIGURE 1



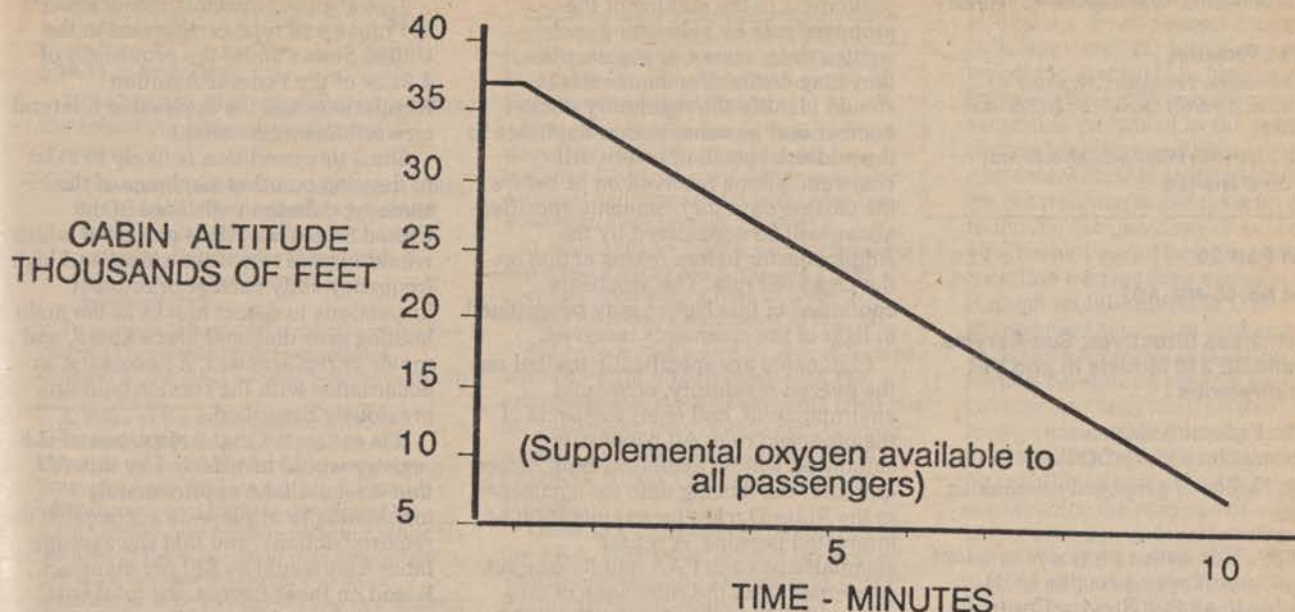
TIME - TEMPERATURE RELATIONSHIP

FIGURE 2



CABIN ALTITUDE - TIME HISTORY
FIGURE 3

NOTE: For figure 3, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. If depressurization analysis shows that the cabin altitude limit of this curve is exceeded, the following alternate limitations apply: After depressurization, the maximum cabin altitude exceedence is limited to 30,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is 2 minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.



CABIN ALTITUDE - TIME HISTORY

FIGURE 4

NOTE: For figure 4, time starts at the moment cabin altitude exceeds 8,000 feet during depressurization. If depressurization analysis shows that the cabin altitude limit of this curve is exceeded, the following alternate limitations apply: After depressurization, the maximum cabin altitude exceedence is limited to 40,000 feet. The maximum time the cabin altitude may exceed 25,000 feet is 2 minutes; time starting when the cabin altitude exceeds 25,000 feet and ending when it returns to 25,000 feet.

Issued in Seattle, Washington, on February 22, 1990.

Darrell M. Pederson,
Acting Manager, Transport Airplane
Directorate, Aircraft Certification Service,
ANM-100.

[FR DOC. 90-4949 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 90-NM-AD]

Airworthiness Directives: Sud-Service Caravelle SE 210 Models III and VIR Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to adopt a new airworthiness directive (AD), applicable to all Sud Service Caravelle SE 210 Models III and VIR series airplanes, which would require repetitive inspections to detect cracks in the main landing gear (MLG) framework brace struts, and repair or replacement, if necessary. This proposal is prompted by reports of cracks discovered on in-service airplanes that had logged more than 25,000 landings on the MLG framework brace struts. This condition, if not corrected, could lead to failure of the brace strut and subsequent collapse of the main landing gear.

DATES: Comments must be received no later than April 24, 1990.

ADDRESSES: Send comments on the proposal in duplicate to the Federal Aviation Administration, Northwest Mountain Region, Transport Airplane Directorate, ANM-103, Attention: Airworthiness Rules Docket No. 90-NM-08-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from Aerospatiale, 316 Rue de Bayonne, 31060 Toulouse, Cedex 03, France. This information may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Robert J. Huhn, Standardization Branch, ANM-113; telephone (206) 431-1950. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: Interested persons are invited to

participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact, concerned with the substance of this proposal, will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this Notice must submit a self-addressed, stamped post card on which the following statement is made: "Comments to Docket Number 90-NM-08-AD." The post card will be date/time stamped and returned to the commenter.

Discussion

The Direction Générale De L'Aviation Civile (DGAC), which is the airworthiness authority of France, in accordance with existing provisions of a bilateral airworthiness agreement, has notified the FAA of an unsafe condition which may exist on all Sud-Service Caravelle SE-210 Models III and VIR series airplanes. There have been reports of cracks found on in-service airplanes that had logged more than 25,000 landings on the main landing gear (MLG) framework brace struts. These cracks initiate in the area of the 5 mm diameter drain hole located at the tapered end of Rib 38. This condition, if not corrected, could lead to failure of the main landing gear diagonal brace struts and subsequent collapse of the main landing gear.

Sud-Service has issued Service Bulletin 32-122, dated November 10, 1988, which describes procedures for repetitive visual and high frequency eddy current or rototest inspections to detect cracks in the main landing gear diagonal brace struts, and repair or replacement, if necessary. The DGAC has classified this service bulletin as mandatory, and has issued Airworthiness Directive 88-098-066(B)R1 addressing this subject.

This airplane model is manufactured in France and type certificated in the United States under the provisions of § 21.29 of the Federal Aviation Regulations and the applicable bilateral airworthiness agreement.

Since this condition is likely to exist or develop on other airplanes of the same type design registered in the United States, an AD is proposed which would require repetitive visual and high frequency eddy current or rototest inspections to detect cracks in the main landing gear diagonal brace struts, and repair or replacement, if necessary, in accordance with the service bulletin previously described.

It is estimated that 5 airplanes of U.S. registry would be affected by this AD, that it would take approximately 3 manhours per airplane to accomplish the required actions, and that the average labor cost would be \$40 per manhour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be \$600.

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this proposed regulation (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft evaluation prepared for this action is contained in the regulatory docket. A copy of it may be obtained from the Rules Docket.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—[AMENDED]

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Sud-Service (formerly Sud Aviation): Applies to Caravelle SE 210 Model III and VIR series airplanes, certificated in any category. Compliance is required as indicated, unless previously accomplished.

To prevent failure of the main landing gear diagonal brace struts and subsequent collapse of the main landing gear, accomplish the following:

A. Prior to the accumulation of 25,000 landings, or within 50 landings after the effective date of this AD, whichever occurs later, perform a visual and high frequency eddy current or rototest inspection of the main landing gear framework brace struts in the area of the 5 mm drain hole located 120 mm from the tapered end of Rib 38, in accordance with Sud-Service Service Bulletin 21-122, dated November 10, 1988.

B. If no cracks are found, repeat the inspections required by paragraph A., above, at intervals not to exceed 4,500 landings.

C. If cracks found are more than 12 mm in length, prior to further flight, replace brace strut, in accordance with Sud-Service Bulletin 32-122, dated November 10, 1988. Repeat the inspection required by paragraph A., above, at intervals not to exceed 4,500 landings.

D. If cracks found are 12 mm or less in length, accomplish the following in accordance with Sud-Service Service Bulletin 32-122, dated November 10, 1988:

1. *Cracks measuring 1 mm or less:*
a. Ream the drain hole to 8 mm diameter in accordance with paragraph 5.C.(1) of the service bulletin.

b. Repeat the inspection required by paragraph A., above, at intervals not to exceed 3,400 flights.

2. *Cracks measuring more than 1 mm but less than or equal to 7 mm:*

a. Drill and ream a 5 mm diameter hole at the end of the cracks in accordance with paragraph 5.C.(2) of the service bulletin.

b. Repeat inspection required by paragraph A., above, at intervals not to exceed 550 landings.

3. *Cracks measuring more than 7 mm but less than or equal to 12 mm:*

a. Drill and ream a 5 mm diameter hole at the end of the cracks in accordance with paragraph 5.C.(2) of the service bulletin.

b. Repeat the inspection required by paragraph A., above, at intervals not to exceed 25 landings until replacement of brace strut. Upon replacement of brace strut, repeat inspections at intervals not to exceed 4,500 landings.

E. If recurring cracks are found during the repetitive inspections required by paragraph D., above, prior to further flight, replace the brace strut, in accordance with Sud-Service Service Bulletin 32-122, dated November 10, 1988. Upon the installation of a new brace strut, repeat inspections in accordance with paragraph A., above, at intervals not to exceed 4,500 landings.

F. An alternate means of compliance or adjustment of the compliance time, which provides an acceptable level of safety, may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

Note: The request should be forwarded through an FAA Principal Maintenance Inspector (PMI), who will either concur or comment and then send it to the Manager, Standardization Branch, ANM-113.

G. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to Aerospatiale, 316 Rue de Bayonne, 31060 Toulouse, Cedex 03, France.

These documents may be examined at the FAA, Northwest Mountain Region, Transport Airplane Directorate, 17900 Pacific Highway South, Seattle, Washington, or the Standardization Branch, 9010 East Marginal Way South, Seattle, Washington.

Issued in Seattle, Washington, on February 22, 1990.

Darrel M. Pederson,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 90-4948 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary (Domestic Finance)

17 CFR Part 401

Implementing Regulations for the Government Securities Act of 1986

AGENCY: Office of the Assistant Secretary (Domestic Finance), Treasury.

ACTION: Proposed rule.

SUMMARY: The Department of the Treasury ("Department") is issuing for comment a proposed amendment to the regulations issued on July 24, 1987 (52 FR 27910) under the Government Securities Act of 1986 (the "Government Securities Act" or "GSA"). The amendment as proposed would exempt from registration or notice, pursuant to section 15C(a)(1) of the GSA, foreign government securities brokers and dealers engaged in certain activities involving U.S. investors and the government securities market. The exempted activities include the following: (1) Effecting transactions in government securities with or for U.S. persons that have not been solicited by

the foreign government securities broker or dealer (i.e., non-direct contacts with U.S. investors); (2) furnishing research reports to certain U.S. institutional investors and effecting transactions in securities discussed in the reports, under certain limiting conditions; (3) direct contacts with U.S. institutional investors for the purpose of inducing or attempting to induce the purchase or sale of government securities, provided (i) all resulting transactions are effected through an intermediary U.S. government securities broker or dealer or noticed financial institution and (ii) certain conditions are met by the foreign government securities broker or dealer, foreign associated persons and the intermediary broker or dealer or noticed financial institution; and (4) direct contacts for the purpose of effecting transactions in government securities, without a U.S. intermediary, with or for registered government securities brokers or dealers, registered brokers or dealers, noticed financial institutions, certain non-noticed financial institutions, foreign branches and agencies of U.S. persons, certain international organizations, U.S. citizens resident abroad and foreign persons temporarily present in the United States.

The requirement that an intermediary U.S. government securities broker or dealer or noticed financial institution must effect all transactions resulting from direct contacts between foreign government securities brokers and dealers and certain U.S. institutional investors is intended to ensure effective enforcement of U.S. securities laws and to provide adequate protection for U.S. investors. In its role as intermediary, the U.S. government securities broker or dealer or noticed financial institution must, among other things, take responsibility for the trade, issue the required confirmations, maintain the required books and records, comply with the appropriate capital and customer protection rules, and obtain information on each foreign associated person of the foreign government securities broker or dealer.

This amendment substantially conforms to the Securities and Exchange Commission (SEC) Rule 15a-6 (17 CFR 240.15a-6) which was published in final form on July 18, 1989 (54 FR 30013). SEC Rule 15a-6 does not apply to foreign government securities brokers and dealers or the broker-dealer activities of financial institutions because the exclusive authority to exempt these entities from the registration and notice requirements of section 15C of the Securities Exchange Act of 1934 has been vested with Treasury. Accordingly,

the proposed regulations, provide exemptions for similarly situated foreign government securities brokers and dealers.

DATES: Comments must be submitted on or before May 4, 1990.

ADDRESSES: Comments should be sent to: Government Securities Regulations Staff, Public Debt, Department of the Treasury, Room 209, 999 E Street, NW., Washington, DC 20239-0001. Comments received will be available for public inspection and copying at the Treasury Department Library, Room 5030, Main Treasury Building, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

FOR FURTHER INFORMATION CONTACT: Ken Papaj (Director), Don Hammond (Assistant Director), Public Debt, room 209, 999 E Street, NW., Washington, DC 20239-0001, (202) 376-4632.

SUPPLEMENTARY INFORMATION:

I. Background

On June 23, 1988, the SEC published for comment in the Federal Register Release No. 34-25801 which proposed adoption of SEC Rule 15a-6 (53 FR 23645). The proposed rule would exempt from broker-dealer registration foreign brokers or dealers that engage in securities transactions with certain non-U.S. persons, or with specified U.S. institutional investors under limited conditions. On July 18, 1989, the SEC published in final form in the Federal Register Rule 15a-6 (54 FR 30013), which was effective on August 15, 1989.

Pursuant to 15(a)(2) (15 U.S.C. 78o(a)(2)) and 15B(a)(4) (15 U.S.C. 78o-4(a)(4)) of the Securities Exchange Act of 1934 ("the Act") (15 U.S.C. 78a, et seq.), Rule 15a-6 exempts foreign brokers or dealers engaged in general securities or municipal securities activities from the registration requirements of 15(a)(1) and 15B(a)(1) of the Act, respectively. This rule, however, does not apply to foreign government securities brokers or dealers because the authority to exempt government securities brokers or dealers from registration has been assigned to the Department pursuant to 15C(a)(4) of the Act. If the Department did not provide an exemption similar in nature to the SEC's, one peculiar result could be that a foreign broker or dealer whose activities included conducting a business in all types of securities (i.e., corporate, municipal, and government) could be exempt from SEC registration for its corporate and municipal securities activities but subject to registration for its activities in government securities. This result would be inconsistent with both the SEC's and Department's intent to increase access

to foreign securities markets.

Accordingly, the Department believes it is appropriate to promulgate a companion rule to SEC Rule 15a-6 to provide exemptions for similarly situated foreign government securities brokers or dealers. Treasury's proposed rule largely adopts SEC Rule 15a-6 by reference, with limited modifications.

The SEC's proposing release and to a greater extent its adopting release discussed in detail the operating environment and other factors that led to the adoption of Rule 15a-6. Most of those considerations apply to Treasury's proposed exemptions and, therefore, will not be repeated herein. In addition, the Department supports the goal of facilitating increased access to foreign markets by U.S. institutional investors, consistent with the purposes underlying broker-dealer registration. The discussion in the preamble will primarily focus upon those areas in which the Treasury's proposed rule differs from Rule 15a-6 and the reasons for such changes. It is suggested that SEC Releases 34-25801 and 34-27017 be read in conjunction with the Department's rule and this preamble.

Our rule proposes to add § 401.9 to part 401 of Title 17 of the Code of Federal Regulations. The new section would add exemptions from registration for foreign government securities brokers or dealers provided the entities comply with SEC Rule 15a-6, as modified in § 401.9. The modifications reflect the different nature of the government securities market as well as the application of the Government Securities Act and its implementing regulations to financial institutions. The definitions of broker and dealer in 3(a)(4) and 3(a)(5) of the Act specifically exclude banks, whereas the definitions of government securities broker and government securities dealer as defined in §§ 400.3(k) and 400.3(l) of the GSA regulations (17 CFR Ch. IV) explicitly include financial institutions. As a result, the Department's proposed rule contains several modifications to SEC Rule 15a-6 to accommodate this different regulatory structure. Other conforming changes were also necessary to recognize the differences between registered brokers or dealers subject to regulation by the SEC and government securities brokers or dealers that fall under Treasury's exemptive authority.

On July 18, 1989, the SEC also published for comment Release No. 34-27018 (54 FR 30087) which discusses a conceptual approach to regulation of foreign brokers or dealers that would recognize comparable foreign securities regulation as a substitute for U.S.

registration of foreign brokers or dealers. After the comment process is completed, the Department will, at the appropriate time, consider this issue and if it deems appropriate present for comment a position on this issue as it relates to the government securities market.

II. Analysis

A. Conforming Changes

1. *References to Securities.* Within Rule 15a-6, all references to "security" and "securities" are intended to mean "government security" or "government securities" since the Department's regulatory authority covers entities that conduct a business in government securities. The term "government securities" is defined in § 400.3(m) of the GSA regulations.

2. *Changes to Rule References and Statutory Citations to Correspond with GSA Regulations.* In developing the Department's companion rule to Rule 15a-6, it was necessary to make a number of technical changes, as discussed more fully below, to references to SEC rules and to statutory citations in the Act. These revisions do not change any of the requirements of Rule 15a-6 but are necessary to provide the proper references to provisions in either the GSA regulations or the Act as amended by the GSA that are applicable to government securities brokers or dealers.

a. Paragraph 240.15a-6(a) has been modified to reflect the proper statutory citation for the provision of the Act that provides the registration or notice requirements applicable to government securities brokers or dealers, including financial institutions. The paragraph currently contains the citations for 15(a)(1) and 15B(a)(1) of the Act which refer to the registration requirements for general securities and municipal securities brokers or dealers, respectively. Accordingly, we proposed to change the statutory citation to 15C(a)(1) of the Act, which references the registration and notice requirements for government securities brokers or dealers.

b. Paragraphs 240.15a-6(a)(3)(iii)(A) (4), (5) and (6) have been modified to provide the correct citations to the Government Securities Act regulations which the Department uses to regulate government securities firms. The Department's rule provides specific citations for each of the entities that it regulates (general securities brokers or dealers, government securities brokers or dealers and noticed financial institutions) because each is addressed

by different sections of the GSA regulations. Accordingly, conforming changes to the references for SEC rules pertaining to recordkeeping, capital, and customer protection provisions have been made.

c. Paragraph 240.15a-6(a)(3)(iii)(C) has been modified to reflect that financial institution brokers or dealers must obtain from the foreign broker or dealer the types of information with respect to foreign associated persons as specified by §§ 404.4(a)(3)(i) (B) and (C) of the GSA regulations. SEC Rule 15a-6 states that the types of information to be obtained are those specified in Rule 17a-3(a)(12) under the Act (17 CFR 240.17a-3(a)(12)). However, Rule 17a-3(a)(12) does not cover noticed financial institutions. Therefore, this change is necessary to reflect the correct citations of the provisions of the GSA regulations that apply to financial institution brokers or dealers.

d. Paragraph 240.15a-6(a)(3)(iii)(E) has been modified to indicate that references in Rule 17a-7(a) to brokers or dealers shall include government securities brokers or dealers as those terms are defined in §§ 400.3 (k) and (l) of the GSA regulations. This paragraph under SEC Rule 15a-6 requires that a written record of the information and consents contained in paragraphs (a)(3)(iii) (C) and (D) and all records of trading activity conducted under this rule involving U.S. institutional investors and the foreign broker or dealer be kept by the registered broker or dealer and that such records be available to the Commission. It also requires that non-resident brokers or dealers comply with Rule 17a-7(a) to ensure that required records are available for examination. These requirements are preserved in our proposed rule but the language of paragraph (a)(3)(iii)(E) has been changed to bring noticed financial institutions under the requirements of Rule 17a-7(a) for the purposes of Rule 15a-6. This modification is consistent with the change adopted by the Department at 17 CFR 404.2(b)(1).

e. Paragraph 240.15a-6(b)(2) has been modified to change the citation from a reference to the definition of an associated person of a broker or dealer as set out in § 3(a)(18) of the Act to the definition of a "person associated with a government securities broker or government securities dealer" set out in 3(a)(45) of the Act. This change is necessary because the Treasury rule is intended to regulate only government securities brokers or dealers and the persons associated with them as opposed to general securities brokers or

dealers and associated persons which are covered by the SEC's rule.

f. Paragraph 240.15a-6(b)(3) has been modified to refer to the definition of "government securities dealer" set out at 3(a)(43) and 3(a)(44) of the Act rather than to "brokers" and "dealers" in 3(a)(4) and 3(a)(5) of the Act. This change was made so that the Department only references those foreign brokers or dealers for which the modified rule is intended.

3. *References to Commission.* Paragraphs 240.15a-6(a)(3)(i)(B), 240.15a-6(a)(3)(iii)(D) and 240.15a-6(a)(3)(iii)(E) have been modified to substitute the term "appropriate regulatory agency" for the term "Commission." In Rule 15a-6, the Commission is the regulatory agency responsible for monitoring and enforcing compliance with the Rule. Under the regulatory structure established by the GSA for government securities brokers or dealers, the Commission is not the only regulatory agency. The GSA and its implementing regulations, in recognizing the role of financial institutions as government securities brokers and dealers, designated various government agencies (i.e., the Board of Governors of the Federal Reserve System (FRB), the Federal Deposit Insurance Corporation (FDIC), the Office of the Comptroller of the Currency (OCC), and the Office of Thrift Supervision (OTS)) as the appropriate regulatory agencies for financial institutions. Accordingly, these changes have been proposed to conform with the regulatory and enforcement structure provided in the GSA regulations.

B. Definitions

1. *Registered Broker or Dealer.* The term registered broker or dealer, as used in the SEC's Rule 15a-6, specifies the entities which may assume responsibility for a trade executed between an exempt foreign broker or dealer and a U.S. institutional investor. For Rule 15a-6, the term includes general securities firms registered under 15(b), municipal securities firms registered in accordance with 15B(a)(2) and government securities firms registered under 15C(a)(2) of the Act. The SEC definition specifically does not include a bank or other financial institution acting in a broker or dealer capacity (i.e., as a government securities broker or dealer).

In enacting the Government Securities Act, the Congress recognized the role of financial institutions in the government securities market and provided for their regulation in a manner comparable to the treatment of securities firms transacting business in this market. A

financial institution acting as a government securities broker or dealer must provide notice, a process similar to registration, to its appropriate regulatory agency of its activities in government securities. Additionally, the financial institution is required to comply with rules relating to customer protection, recordkeeping, capital adequacy and reporting that parallel those applicable to a securities firm conducting the same business (15 U.S.C. 78o-5(b)(1)).

In recognition of the role and comparable regulatory structure applicable to financial institutions in the government securities market, the Department believes that a noticed financial institution should be able to act as the intermediary for an exempt foreign broker or dealer. Accordingly, the definition of registered broker or dealer in paragraph 240.15a-6(b)(5) has been revised, only for the purposes of modified Rule 15a-6 as applicable in proposed § 4019, to permit a foreign broker or dealer to establish a relationship, for the purposes of obtaining the exemption, with a securities firm registered pursuant to 15(b) or 15B(a)(2) who has provided notice to the SEC of its government securities activities; a firm registered pursuant to 15C(a)(2); or a financial institution who has provided notice of its government securities activities pursuant to 15C(a)(1)(B)(ii). It should be noted that this definition of registered broker or dealer is only for use in Rule 15a-6 as modified in § 4019 and is different from the one found at 17 CFR 400.3(n). While the Department's approach will expand the number of enforcement entities (e.g., SEC, OCC, FRB, FDIC, OTS) which could be involved in the oversight of the foreign broker or dealer, the comparable regulatory treatment to be applied by the different enforcement agencies should provide a consistent level of regulatory protection regardless of the nature of the intermediary.

2. *Registered Government Securities Broker or Dealer.* For the Department's application of Rule 15a-6, a new definition will be added as paragraph (b)(8) to better adapt that rule to the government securities market. The term registered government securities broker or dealer is referenced throughout the modifications to Rule 15a-6 to specify those securities firms who limit their activities to government or other exempt securities and have registered with the SEC pursuant to 15C(a)(1)(A) of the Act. This use of the term is consistent with its definition in § 400.3(o) of the GSA regulations. The term registered government securities

broker or dealer differentiates these firms from securities firms that conduct a business in other types of securities in addition to government securities and financial institutions that conduct a business in government securities. However, no similar definition is found in the Act or in section 240 which includes Rule 15a-6. Accordingly, the Department is proposing to add the definition in order to clarify that the term has the same meaning in the modified Rule 15a-6, as incorporated in § 401.9, as it has throughout other portions of the GSA regulations.

3. *Noticed Financial Institution.* As noted earlier, in modifying Rule 15a-6, the Department has recognized the role of financial institutions as brokers or dealers of government securities. The result of this recognition has been repeated references to those financial institutions that have given notice to their appropriate regulatory agencies pursuant to 15C(a)(1)(B)(ii) of the Act. In order to clarify the language of the modifications, an additional definition of the term noticed financial institution has been proposed as paragraph (b)(9) of modified Rule 15a-6.

4. *Appropriate Regulatory Agency.* In the context of the SEC's Rule 15a-6, the Commission is referenced as the entity enforcing compliance with the terms of the exemption and receiving information from both the foreign broker or dealer and the domestic, intermediary registered broker or dealer. In light of the regulatory scheme for government securities brokers or dealers, the Commission would no longer be the only regulatory entity involved with the administration of the exemption. Accordingly, we have introduced the term appropriate regulatory agency to include the respective agencies which are responsible for the oversight of the government securities activities of financial institutions. Once again, this addition is necessitated by the recognition of financial institutions as government securities brokers or dealers. In order to provide consistency of application of the term appropriate regulatory agency within the modified Rule 15a-6, a new definition has been proposed as paragraph (b)(10) to give this term the same meaning as used in the GSA regulations.

C. Solicitation

The Department endorses the SEC's reaffirmation that solicitation (i.e., any affirmative effort by a broker or dealer intended to induce transactional business for the broker or dealer or its affiliates) by a foreign broker or dealer generally would necessitate registration. However, we also support the broader

latitude and flexibility accorded the application of solicitation as adopted in the final rule. Specifically, Rule 15a-6 provides for: (i) A conditional exemption to permit visits by foreign brokers or dealers to U.S. institutional investors and major U.S. institutional investors; (ii) a conditional exemption to allow expanded distribution of foreign brokers' or dealers' research reports to major U.S. institutions; and (iii) expanded third-party distribution of foreign broker or dealer quotes in the U.S. on an interpretive basis. As discussed below, the Treasury's proposed rule modifies the research exemption. In addition, although we propose no change to the position taken in Rule 15a-6 pertaining to foreign market-maker quotes, we have included a discussion of this issue due to its importance to the government securities market.

Paragraph 240.15a-6(a)(2) permits a foreign broker or dealer to furnish research reports directly to major U.S. institutional investors as long as the foreign broker or dealer: (i) Does not recommend its use to effect trades in any security, (ii) does not initiate follow-up contact with the major institutional investor receiving the research or otherwise attempt to induce the purchase or sale of any security by a major institutional investor, and (iii) does not provide research pursuant to any express or implied understanding that commission income will be directed to it (i.e., soft dollar arrangements). In addition, if a foreign broker or dealer has an existing relationship with a registered broker or dealer, the SEC rule would require that any trades resulting from the research be effected through that registered broker or dealer.

The Department proposes to modify § 240.15a-6(a)(2)(iii) of the SEC rule to require that if there is an existing relationship as described in paragraph (a)(3)(iii) between the foreign broker or dealer and the registered broker or dealer this relationship must be disclosed in the research. This disclosure will allow major institutional customers receiving research from foreign brokers or dealers to contact the registered broker or dealer in order to ask questions and to help ensure that all trades based on the research are done in compliance with paragraph (a)(3)(iii).

Regarding third-party market quotes, the Department generally views the dissemination of this information in the United States by foreign government securities brokers or dealers as solicitation. It is the Department's position that the listing and dissemination of specific bid and ask

prices typically would be an attempt to induce the purchase or sale of securities with U.S. investors. However, in concurrence with the current SEC position, the Department will allow dissemination of foreign broker or dealer quotations in the United States by third parties (e.g., exchanges or private vendors) without registration under the following circumstances, as described in the preamble to SEC Rule 15a-6: (i) The third-party systems distribute the quotations primarily in foreign countries; (ii) the third-party systems themselves are not used to execute securities transactions between the foreign government securities broker or dealer and the U.S. investor; (iii) the foreign government securities broker or dealer whose quotes are disseminated cannot initiate contacts with U.S. investors, unless permitted by a specific exemption in the rule; and (iv) the dissemination of quotations cannot occur through a private quote system controlled by a foreign government securities broker or dealer. In addition, the Department will also provide interpretive guidance concerning foreign broker-dealer quotation systems based on the fact-specific nature of these arrangements provided by the requesting party. Accordingly, the Department adopts the position taken by the SEC regarding this issue without modification.

D. Service of Process

Paragraph 240.15a-6(a)(3)(iii)(D) of Rule 15a-6 requires that foreign brokers or dealers and foreign associated persons thereof who wish to do business in the United States and do not have to register pursuant to the exemption provided in this rule provide written consent to service of process for any civil action brought by or any proceeding before the Commission or a self-regulatory organization. The agreement provides that service of process on the foreign entities may be accomplished by service of process to the registered broker or dealer in the manner set forth on the registered broker or dealer's current Form BD.

The Department's rule substitutes the term "appropriate regulatory agency" for the term "Commission" because, as explained in other parts of this preamble, the financial institutions that are brokers or dealers of government securities are regulated by various regulatory agencies other than the Commission. In addition, to correspond to the above change, the reference to the manner set forth on the registered broker or dealer's current Form BD is replaced by a reference to the manner of

agreeing to service of process set forth by the broker or dealer's appropriate regulatory agency.

E. Permitted Counterparties

Rule 15a-6 permits a foreign broker or dealer to trade without registration with a securities firm registered with the Commission pursuant to 15(b), 15B(a)(2) or 15C(a)(2) or a bank acting in a broker or dealer capacity as permitted by U.S. law. The Department agrees with this approach but for the purposes of its regulations needs to modify the language of the provision in order to reflect the role of financial institutions other than banks as brokers or dealers in government securities and to incorporate financial institutions which are acting as government securities brokers or dealers in a manner which has been exempted by the Department from the Act's notice requirements. Two of the ways that a financial institution may conduct a government securities business and be exempt from the notice requirements are to conduct brokerage activities under a fully disclosed networking arrangement and to conduct dealer transactions in a fiduciary capacity (17 CFR 401.3(a)(2)(ii) and 401.4(a)(1)). Both of these activities are included within the SEC's provision of "a broker or dealer capacity as permitted by U.S. law" but need to be specifically listed in the provision as the Department is proposing to modify it.

The result of the Department's modification of paragraph (a)(4)(i) is that a foreign broker or dealer can be exempt from registration under § 15C(a)(1) if it trades in any capacity with any: (i) Securities firm registered with the Commission under sections 15(b), 15B(a)(2) or 15C(a)(2) of the Act; (ii) financial institution that has given notice to its appropriate regulatory agency pursuant to section 15C(a)(1)(B)(ii) of the Act; or (iii) financial institution operating pursuant to the exemptions contained in 17 CFR 401.3(a)(2)(ii) or 401.4(a)(1). This treatment corresponds to the SEC treatment with the exceptions that the Department recognizes all financial institutions not just banks and we would exclude financial institutions which limit their government securities dealer activities exclusively to repurchase transactions or whose brokerage activities involve fewer than 500 transactions per year. Our exclusions are based on the belief that financial institutions that limit their transactions to repurchase transactions or conduct less than 500 brokerage transactions should be treated as institutional investors rather than brokers or dealers for the purposes of the exemption since

their government securities activities are limited in nature. This exclusion is consistent with the Department's reasoning in exempting the institutions from the notice provision. Accordingly, a foreign broker or dealer may still trade with these excluded entities but must do so under the more constrained requirements of paragraph (a)(3) of Rule 15a-6, as modified in § 401.9.

F. Withdrawal of Exemption from Registration

Section 240.15a-6(c), which discusses the procedures whereby the SEC may withdraw the Rule 15a-6 exemption for foreign brokers or dealers or a class of foreign brokers or dealers who, despite their best efforts to provide assistance, are prohibited by their home country's laws or regulations from cooperating with SEC requests for information and investigations, has been modified to conform with the Department's role as regulator under the CSA. The SEC procedure allows the Commission, after notice and opportunity for hearing, to withdraw the Rule 15a-6 exemption if it finds that the laws or regulations of the foreign country have prohibited the foreign broker or dealer or class of foreign brokers or dealers from responding to requests from the Commission for information, documents or records in its possession, custody or control, testimony of foreign associated persons or assistance in taking the evidence of other persons.

The Treasury's lack of supervisory and enforcement authority precludes it from conducting investigations of brokers or dealers. The Department therefore would only become aware of the inability of a foreign government securities broker or dealer to cooperate with enforcement activities when notified by an Appropriate Regulatory Agency (ARA). Therefore, if the ARA provides notification of its determination that the exemption is no longer applicable even though the foreign government securities broker or dealer attempted to cooperate but the home country would not permit such cooperation, the Department may make a determination that the exemption is no longer applicable. The Department will not be bound by an ARA's recommendation on this issue. However, such recommendation will be taken into consideration in rendering our determination. The Department anticipates that such a determination would be made only after affording the foreign broker or dealer notice and opportunity for comment. Since the foreign government securities broker or dealer will have made all reasonable efforts to cooperate, the Department will

consider the exemption to be no longer applicable only if it finds that continuation of the exemption is inconsistent with the public interest, the protection of investors and the purposes of the Government Securities Act.

Since the exemption is conditioned upon cooperation by the foreign government securities broker or dealer with enforcement activities undertaken by its ARA, notice to the foreign broker or dealer from the ARA that it has been uncooperative will be sufficient evidence to support a determination that the foreign government securities broker or dealer no longer qualifies for the exemption. Such a determination would subject the foreign government securities broker or dealer to the registration requirements of the Act and all applicable regulations.

III. Special Analyses

The proposed rule intends to create a limited exemption from the registration and notice requirements of the Government Securities Act for a limited class of government securities brokers or dealers. The proposed rule directly affects foreign entities and has only a tangential effect on domestic entities. In either case, it is the Department's view that the proposed rule will not impose any major increase in costs upon those affected or have a significant impact upon the economy in general. In addition, the Department has concluded that the proposed rule will not have an unnecessary or inappropriate differential impact upon classes of entities affected by the regulations such as to create a burden on competition.

The changes described in the analysis to the proposed rule do not impose any new substantive regulatory requirements. To the contrary, the changes provide conditional exemptions for foreign government securities brokers or dealers engaging in specified activities with United States investors and markets, thereby reducing the regulatory burden upon this class of entities. The proposed rule is intended to reduce the costs of and promote the efficiency of international securities transactions including U.S. institutional investors' access to foreign markets. Because of the expected results that the proposed rule will reduce costs and promote efficiencies, the Department has concluded that the proposed regulation does not constitute a major rule for the purposes of Executive Order 12291.

In addition, pursuant to the Regulatory Flexibility Act (5 U.S.C. 601, *et. seq.*), it is hereby certified that the proposed rule, if adopted, will not have

a significant economic impact on a substantial number of small entities. The exemptions described in the proposed regulations are directed to foreign government securities brokers or dealers and would only indirectly affect the class of entities intended to be protected by the Regulatory Flexibility Act. To the extent that any costs could be imposed on domestic registered or noticed affiliates of the foreign brokers and dealers or could have a competitive impact on other domestic entities, those costs would be insignificant and would not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. Accordingly, a regulatory flexibility analysis is not required.

The collection of information contained in this notice of proposed rulemaking has been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. 3504(h)). Comments on the collection of information should be directed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for the Department of the Treasury, Washington, DC, 20503, and to the Government Securities Regulations Staff, Public Debt, at the address specified at the beginning of this document.

The collections of information in this proposed rule are contained in proposed §§ 401.9(g) and 401.9(h). The requirements under § 401.9(g) would require the registered U.S. government securities broker or dealer affiliate of a foreign government securities broker or dealer to keep records of information concerning foreign personnel who will contact U.S. institutional investors.

Section 401.9(h) would require the U.S. government securities broker or dealer affiliate to obtain written consents, from the foreign broker or dealer and each foreign individual in contact with U.S. institutional investors, to service of process for any civil action or proceeding undertaken by an appropriate regulatory agency.

The collections of information in the proposed rule are intended to allow access by U.S. institutional investors to foreign brokers or dealers, and through them, to foreign markets while maintaining some of the fundamental safeguards of the U.S. securities and financial institutions regulations. The intermediation of a U.S. broker or dealer and the recordkeeping requirements would ensure that the U.S. government securities broker or dealer has an opportunity to review the background of

foreign personnel before they contact U.S. institutional investors, and that records of trading and personnel are available for review by an appropriate regulatory agency. The parties responsible for maintaining the records would be composed of both large and small government securities brokers or dealers, with the rule applying uniformly to all entities.

Estimated total annual recordkeeping burden: 360 hours.

Estimated average annual burden per recordkeeper: 3 hours.

Estimated number of recordkeepers: 120.

List of Subjects in 17 CFR Part 401

Banks, banking, Brokers, Government securities.

For the reasons set out in the Preamble, it is proposed to amend 17 CFR part 401 as follows:

PART 401—EXEMPTIONS

1. The authority citation for part 401 continues to read as follows:

Authority: Sec. 101, Pub. L. 99-571, 100 Stat. 3209 (15 U.S.C. 78o-5(a)(4)).

2. Section 401.9 is added to part 401 to read as follows:

§ 401.9 Exemption for certain foreign government securities brokers or dealers.

A government securities broker or dealer (excluding a branch or agency of a foreign bank) that is a non-U.S. resident shall be exempt from the provisions of section 15C (a), (b), and (d) of the Act (15 U.S.C. 78o-5 (a), (b) and (d)) and the regulations of this subchapter provided, it complies with the provisions of 17 CFR 240.15a-6 (SEC Rule 15a-6) as modified in this section.

(a) For purposes of this section, "non-U.S. resident" means any person (including any U.S. person) engaged in business as a government securities broker or dealer entirely outside the U.S. that is not an office or branch of, or a natural person associated with, a registered broker or dealer, a registered government securities broker or dealer or a financial institution that has provided notice pursuant to § 400.1(d).

(b) Within § 240.15a-6 of this title, references to "security" and "securities" shall mean "government securities" as defined in § 400.3(m).

(c) Section 240.15a-6(a) of this title is modified to read as follows:

"(a) A foreign broker or dealer shall be exempt from the registration or notice requirements of 15C(a)(1) of the Act to the extent that the foreign broker or dealer:"

(d) Paragraph 240.15a-6(a)(2)(iii) of this title is modified to read as follows:

"(iii) If the foreign broker or dealer has established a relationship with a registered broker or dealer for the purpose of compliance with paragraph (a)(3) of this rule, this relationship is disclosed in all research reports and all transactions with the foreign broker or dealer in securities discussed in the research reports are effected only through that registered broker or dealer, pursuant to the provisions of paragraph (a)(3); and"

(e) Paragraph 240.15a-6(a)(3)(i)(B) of this title is modified to read as follows:

"(B) Provides its appropriate regulatory agency (upon request or pursuant to agreements reached between any foreign securities authority, including any foreign government as specified in section 3(a)(50) of the Act, and the Commission or the U.S. Government) with any information, documents, or records within the possession, custody, or control of the foreign broker or dealer, any testimony of foreign associated persons, and any assistance in taking the evidence of other persons, wherever located, that the appropriate regulatory agency requests and that relates to transactions under paragraph (a)(3) of this rule, except that if, after the foreign broker or dealer has exercised its best efforts to provide this information, including requesting the appropriate governmental body and, if legally necessary, its customers (with respect to customer information) to permit the foreign broker or dealer to provide this information to its appropriate regulatory agency, the foreign broker or dealer is prohibited from providing this information by applicable foreign law or regulations, then this paragraph (a)(3)(i)(B) shall not apply and the foreign broker or dealer will be subject to paragraph (c) of this rule;"

(f) Paragraphs 240.15a-6(a)(3)(iii)(A) (4), (5) and (6) of this title are modified to read as follows:

"(4) Maintaining required books and records relating to the transactions, including those required by § 404.1 of this title for registered brokers and dealers (excluding registered government securities brokers and dealers and noticed financial institutions), §§ 404.2 and 404.3 of this title for registered government securities brokers or dealers, and § 404.4 of this title for notice financial institutions;

(5) Complying with part 401 of this title with respect to the transactions; and

(6) Receiving, delivering, and safeguarding funds and securities in connection with the transactions on behalf of the U.S. institutional investor or the major U.S. institutional investor in

compliance with § 403.1 of this title for registered brokers and dealers (excluding registered government securities brokers and dealers and noticed financial institutions); §§ 403.2, 403.3, 403.4 and 403.6 of this title for registered government securities brokers and dealers, and § 403.5 of this title for noticed financial institutions."

(g) Paragraph 240.15a-6(a)(3)(iii)(C) of this title is modified to read as follows:

"(C) Has obtained from the foreign broker or dealer, with respect to each foreign associated person, the types of information specified in rule 17a-3(a)(12) under the Act (17 CFR 240.17a-3(a)(12)), provided that the information required by paragraph (a)(12)(d) of that Rule shall include sanctions imposed by foreign securities authorities, exchanges, or associations, including without limitation those described in paragraph (a)(3)(ii)(B) of this rule. Notwithstanding the above, a registered broker or dealer that is a noticed financial institution shall comply with the provisions of §§ 404.4(a)(3)(i) (B) and (C) of this title, in lieu of Rule 17a-3(a)(12), provided that the information required by §§ 404.4(a)(3)(i) (B) and (C) of this title shall include sanctions imposed by foreign securities authorities, exchanges, or associations including, without limitation, those described in (a)(3)(ii)(B) of this rule."

(h) Paragraph 240.15a-6(a)(3)(iii)(D) of this title is modified to read as follows:

"(D) Has obtained from the foreign broker or dealer and each foreign associated person written consent to service of process for any civil action brought by or proceeding before its appropriate regulatory agency or a self-regulatory organization (as defined in section 3(a)(26) of the Act), providing that process may be served on them by service on the registered broker or dealer in the manner set forth on the registered broker's or dealer's current Form BD or other appropriate procedure as specified by the appropriate regulatory agency; and"

(i) Paragraph 240.15a-6(a)(3)(iii)(E) of this title is modified to read as follows:

"(E) Maintains a written record of the information and consents required by paragraphs (a)(3)(iii) (C) and (D) of this rule, and all records in connection with trading activities of the U.S. institutional investor or the major U.S. institutional investor involving the foreign broker or dealer conducted under paragraph (a)(3) of this rule, in an office of the registered broker or dealer located in the United States (with respect to nonresident registered brokers or dealers, pursuant to Rule 17a-7(a) under the Act (17 CFR 240-17a7(a)), provided that in Rule 17a-7(a) references to broker or dealer shall

include government securities brokers or dealers, as those terms are defined in §§ 400.3 (k) and (l) of this title), and makes these records available to the appropriate regulatory agency upon request; or"

(j) Paragraph 240.15a-6(a)(4)(i) of this title is modified to read as follows:

"(i) A registered broker or dealer, whether the registered broker or dealer is acting as principal for its own account or as agent for others, or a financial institution acting pursuant to §§ 401.3(a)(2)(ii) or 401.4(a)(1) of this title;"

(k) Paragraph 240.15a-6(b)(2) of this title is modified to read as follows:

"(2) The term "foreign associated person" shall mean any natural person domiciled outside the United States who is an associated person (a person associated with a government securities broker or a government securities dealer as defined in section 3(a)(45) of the Act) of the foreign broker or dealer and who participates in the solicitation of a U.S. institutional investor or a major U.S. institutional investor under paragraph (a)(3) of this rule."

(l) Paragraph 240.15a-6(b)(3) of this title is modified to read as follows:

"(3) The term "foreign broker or dealer" shall mean any non-U.S. resident person (including any U.S. Person engaged in business as a broker or dealer entirely outside the United States, except as otherwise permitted by this rule) that is not an office or branch of, or a natural person associated with, a registered broker or dealer, whose securities activities, if conducted in the United States, would be described by the definition of "government securities broker" or "government securities dealer" in sections 3(a)(43) and 3(a)(44) of the Act."

(m) Paragraph 240.15a-6(b)(5) of this title is modified to read as follows:

"(5) Only for the purposes of this rule, the term "registered broker or dealer" shall mean a person that is registered with the Commission under section 15C(a)(2) of the Act or a broker or dealer or a financial institution who has provided notice to its appropriate regulatory agency under section 15C(a)(1)(B)(ii) of the Act."

(n) For the purposes of this section, 250.15a-6(b) of this title shall include a new paragraph (8) to read as follows:

"(8) The term "registered government securities broker or dealer" has the meaning set out in § 400.3(o) of this title."

(o) For the purposes of this section, 240.15a-6(b) of this title shall include a new paragraph (9) to read as follows:

"(9) The term "noticed financial institution" means a financial institution

as defined at § 400.3(j) of this title that has provided notice to its appropriate regulatory agency pursuant to § 400.1(d) of this title."

(p) For the purposes of this section, 240.15a-6(b) of this title shall include a new paragraph (10) to read as follows:

"(10) The term "appropriate regulatory agency" has the meaning set out in § 400.3(b) of this title."

(q) Paragraph 240.15a-6(c) of this title is modified to read as follows:

"(c) The Secretary of the Treasury, upon receiving notification from an appropriate regulatory agency that the laws or regulations of a foreign country have prohibited a foreign broker or dealer, or a class of foreign brokers or dealers, engaging in activities exempted by paragraph (a)(3) of this rule, from providing, in response to a request from an appropriate regulatory agency, information, documents, or records within its possession, custody, or control, testimony of foreign associated persons, or assistance in taking the evidence of other persons, wherever located, related to activities exempted by paragraph (a)(3) of this rule, may consider to be no longer applicable the exemption provided in paragraph (a)(3) of this rule with respect to the subsequent activities of the foreign broker or dealer or class of foreign brokers or dealers if the Secretary finds that continuation of the exemption is inconsistent with the public interest, the protection of investors and the purposes of the Government Securities Act."

Dated: February 2, 1990.

David W. Mullins, Jr.,

Assistant Secretary for Domestic Finance.

[FR Doc. 90-4771 Filed 3-2-90; 8:45 am]

BILLING CODE 4810-40-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 172

[FHWA Docket No. 89-28]

RIN 2125-AB30

Administration of Engineering and Design Related Service Contracts

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The FHWA proposes to revise its regulation on the Administration of Negotiated Contracts in order to describe the procedures to be followed when using Federal-aid highway funds (under the grant-in-aid

process] for the procurement of engineering and design related services, materials, equipment or supplies. The proposed regulation describes the acceptable procurement methods contracting agencies are to use when acquiring these items. This is essential for proper implementation of the provisions of 23 U.S.C. 112(b), as amended by section 111(b) of the Surface Transportation and Uniform Relocation Assistance Act (STURAA) of 1987. These provisions require States to award Federal-aid highway engineering and design service contracts in accordance with the provisions of title IX of the Federal Property and Administrative Services Act of 1949 (Pub. L. 92-582, 86 Stat. 1278 (1972) 40 U.S.C. 541, *et seq.*) or use equivalent State qualifications-based procedures unless they have established or choose to establish a formal procurement procedure by State statute.

DATES: Comments must be received on or before May 4, 1990.

ADDRESSES: Submit written and signed comments to the Federal Highway Administration, HCC-10, FHWA Docket No. 89-28, Room 4332, 400 Seventh Street, SW., Washington, DC 20590. All comments and suggestions received will be available for examination at the above address between 8:30 a.m. and 3:30 p.m., E.T., Monday through Friday. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard.

FOR FURTHER INFORMATION CONTACT: Steiner M. Silence, Chief, Special Procedures Branch, Office of Engineering, 202-366-4628, or Michael J. Laska, Office of Chief Counsel, 202-366-1383, Federal Highway Administration, 400 Seventh Street, SW., Washington, DC 20590. Office hours are from 7:45 a.m. to 4:15 p.m., E.T., Monday through Friday.

SUPPLEMENTARY INFORMATION: All Federal-aid participating highway contracts, for engineering and design related services, authorized after April 2, 1987, are subject to the above new provisions.

States that already have established procedures permitted by State statute or choose to establish formal procurement procedures by State statute need not specifically prescribe or preclude qualifications-based procedures.

The existing FHWA's regulation (23 CFR part 172 dated December 20, 1979) provides for the administration of negotiated contracts through an abbreviated set of procedures and required the contracting agencies to comply with the standards of superseded (August 1, 1979) OMB

Circular No. A-102, Attachment O. OMB Circular A-102 has been revised and requires Federal agencies to adopt a common rule. The Department of Transportation's rule is located in 49 CFR part 18.

The FHWA has reviewed this program area and found its existing procedures have been superseded and are not enforceable; thereby, eliminating the regulatory authority needed to insure that Federal-aid highway funds are properly spent. The proposed regulation will implement procedures to insure that the new requirements of 23 U.S.C. 112(b), as amended, are met.

The proposed regulation describes the various steps contracting agencies will follow on all engineering and design related service contracts when advertising, selecting, negotiating and monitoring the work. These steps will insure that the contracting agency's procedures, based on this proposed regulation, will comply with the requirements of 23 U.S.C. 112(b) and accepted contracting principles. It will implement procedures to ensure that the provisions of title IX of the Federal Property and Administrative Services Act of 1949 (Pub. L. 92-582, 86 Stat. 1278 (1972), 40 U.S.C. 541, *et seq.*) are met on all applicable Federal-aid highway participating contracts and that contracts awarded under procedures permitted by State statutes have met all requirements for Federal-aid eligibility.

Discussion of Major Revisions

The major changes between the proposed regulation and the existing regulation are:

The proposed regulation has been expanded to include the new requirements on contracting for engineering and design services required under 23 U.S.C. 112(b), as amended.

The applicability of the regulation has been expanded, in the contract area for providing technical services, from the two specific areas of preliminary engineering and construction engineering to include all engineering and design service contracts for project management, construction management and inspection, feasibility studies, preliminary engineering, design engineering, design, engineering, surveying, mapping and architectural related services as required by 23 U.S.C. 112(b).

The proposed regulation raises the contract limit requiring a prenegotiation audit from \$50,000 to \$250,000 to account for inflationary pressures relating to individual project size, reduced paperwork, manpower requirements/processing and to conform more closely to other agencies' practices.

Prenegotiation audits are required to ensure that sufficient data is available to the contracting agency to determine that the compensation for the required services is fair and reasonable to the Government (Requirement of title IX of the Federal Property and Administrative Services Act of 1949).

The proposed regulation will raise the contract limit for application of small purchases from \$10,000 to \$25,000 to conform with the common rule.

Under the competitive negotiations process, the proposed regulation will implement 23 U.S.C. 112(b) by requiring contracting agencies to solicit proposals from a minimum of three contractors.

The proposed regulation requires responsible charge of each contract/project to be delegated to a public employee qualified to insure that the work being pursued is complete, accurate, and consistent with terms, conditions and specifications of the contract. The regulation also requires that the contractor's performance be evaluated upon completion of the work.

The proposed regulation establishes an alternate procedure concept. This will allow the FHWA to approve a State's request to substitute its contract review and approval actions for those which normally require individual FHWA approval.

Section-by-Section Analysis

This section discusses the proposed revisions to 23 CFR part 172. It is proposed to amend the regulation to implement procedures for engineering and design related service contracts, whenever such contract are financed with Federal-aid highway funds.

Section 172.1 Purpose and applicability

The proposed revision of this section would revise the applicability of the regulation to all engineering and design service contracts for project management, construction management and inspection, feasibility studies, preliminary engineering, design engineering, design, engineering, surveying, mapping and architectural related services as required by 23 U.S.C. 112(b).

Section 172.3 Definitions

The current definitions for "Local Government," "Planning, Research and Development," "Preliminary Engineering," "Construction Engineering," and "Highway Related Program" would be deleted as unnecessary. New definitions for "Contractor," "Extra Work," "Fixed Fee," "Scope of Work" and "Contract

Modification" would be added to define new terms in the regulation.

Section 172.5 General principles

This proposed section requires contracting agencies to obtain approval from the FHWA before using a contractor in a "management" role, since 23 U.S.C. 302 requires State highway agencies to have adequate powers, and be suitably equipped and organized to discharge the requirements of title 23, U.S.C.

This proposed section requires contracting agencies to have written procedures to be followed, thereby insuring compliance with the provisions of 23 U.S.C. 112(b), as amended, and are approved by the FHWA for procuring contracts financed with Federal-aid highway funds.

This proposed section would raise the dollar limit for contracts requiring a prenegotiation audit from \$50,000 to \$250,000.

This proposed section would make minor editorial changes to the existing procedures dealing with the State highway agency's responsibility in local agency contracts, and in the contracting agency's responsibilities for claim settlement, code of conduct and the avoidance of unnecessary or duplicative purchases.

Section 172.7 Methods of Procurement

The procurement of engineering and design services contracts is subject to 23 U.S.C. 112(b), as amended, which requires States to comply with the provisions of title IX of the Federal Property and Administrative Services Act of 1949 or use equivalent State qualifications-based procedures unless they have established or choose to establish a formal procurement procedure by State statute. In general terms, procurement in accordance with the provision of title IX of the Federal Property and Administrative Services Act of 1949 (popularly known as the Brooks Architect-Engineers Act) would consist of evaluating the qualifications of prospective firms, ranking them based on their qualifications, and negotiating price starting with the top rank firm. If a fair and reasonable price cannot be negotiated with the top ranked firm, negotiations would continue with the next ranked candidate.

This proposed section addresses the three methods of procurement (competitive negotiation, small purchases and noncompetitive negotiations) that can be used in contracting. Under the proposed competitive negotiation section, specific requirements to be followed are presented for: (1) The preparation of the

scope of work, evaluation factors and cost estimate; (2) soliciting the proposals; (3) proposal analysis and contractor selection; (4) negotiation responsibility; and (5) the execution of the contracts.

Under the proposed small purchase section, it is proposed to raise the upper dollar limit for contracts eligible for this method from \$10,000 to \$25,000.

Under the proposed noncompetitive negotiations section, the circumstances under which this method can be used to obtain engineering and design related services are listed. This section also lists the procedures to be followed during the award process in order to comply with 23 U.S.C. 112(b), as amended.

Section 172.9 Compensation

This proposed section sets forth the requirement that by adoption, the cost principles in 48 CFR part 31 (Federal Acquisition Regulations) are applicable to all contracts governed by this regulation. This same requirement exists in the current regulation. It also sets forth and defines the four methods of payment (lump sum, cost plus a fixed fee, cost per unit of work and specific rates of compensation) to be used.

Section 172.11 Contract Modifications

This proposed section defines when contract modifications are required, requires that they clearly document the changes and method of compensation, requires that they be properly negotiated, and requires the contracting agency to obtain the approval of the FHWA before executing the contract modification.

Section 172.13 Monitoring the Contract Work

This proposed section requires that a qualified public employee be placed in responsible charge of each contract or project. It expands upon the 23 U.S.C. 302 requirement for State highway agencies to have adequate powers, and be suitably equipped and organized to discharge the requirements of title 23, U.S.C., by specifying what this employee must do to insure that the contractor carries out the conditions of the contract. It also requires the public employee to write a contractor performance evaluation report after the contract is completed.

Section 172.15 Alternate Procedures

This proposed section establishes a process whereby the contracting agency can be authorized to substitute its contract review and approval actions for those of the FHWA. It requires the contracting agency to submit a copy of the State's alternate procedures and to

certify that it will follow its procedures, the provisions of the regulation and all applicable Federal and State laws.

Federalism Implications

Under Executive Order 12612, the FHWA must determine if a rule has federalism implications. The proposed rule is, for the most part, consistent with OMB Circular A-102 and the Department of Transportation Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments, 49 CFR part 18. To the extent that the proposed rule differs, those differences are mandated by statute. Section 112(b) of title 23, U.S.C., requires contracts for highway engineering and design services for highway construction projects performed by a State highway department or under their supervision be awarded in the same manner as contracts for architectural and engineering services negotiated under title IX of the Federal Property and Administrative Services Act of 1949 or equivalent State qualifications-based requirements, except to the extent that a State adopts or has adopted by statute a formal procedure for the procurement of such services.

Furthermore, the proposed rule will reduce the burden upon State and local governments by raising the dollar threshold for preaward audits and for small purchase procedures. The proposed rule permits States to use equivalent State qualifications-based procedures.

Moreover, the Executive Order provides that Federal action limiting State policymaking discretion should be taken where constitutional authority for the action is clear and necessitated by a problem of national scope. This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under the Order.

Regulatory Impact

The FHWA has determined that this document does not contain a major rule under Executive Order 12291 or a significant regulation under the regulatory policies and procedures of the Department of Transportation. It is anticipated that the regulatory impact of this proposed rulemaking, if any, will be minimal since the proposed amendments will replace existing FHWA regulations on negotiated contract procedures and delineate acceptable procedures that are consistent with Federal statutes, OMB Circular No. A-102 and 49 CFR 18. The proposed revisions will impose some

new mandatory standards, that are required by Federal statutes, on State and local governments and provide general procedural direction and recommended criteria.

The proposed revisions will, however, effect a reduction in the time required to process an award of a contract because: (1) Fewer contracts will require a preaward audit since the threshold will be raised from \$50,000 to \$250,000 in cost; (2) a qualified alternate procedure for project approval can be adopted by the States; and (3) States will be allowed to utilize small purchase procedures for more contracts since the \$10,000 cost limit will be raised to \$25,000 (consistent with OMB criteria).

The proposed revisions will also increase the number of contractors that will receive consideration for providing professional services since specific project advertisement will be required at the solicitation stage and technical proposals will be requested from several sources. Therefore, any impacts would be positive in providing for a more efficient and competitive administration of negotiated contracts. Accordingly, a full regulatory evaluation is not required.

For the foregoing reasons and under the criteria for the Regulatory Flexibility Act (Public Law 96-354), the FHWA hereby certifies that this proposal, if promulgated, will not have a significant economic impact on a substantial number of small entities.

A regulatory information number (RIN) is assigned to each regulatory action listed in the United Agenda of Federal Regulations. The Regulatory Information Service Center publishes the Unified Agenda in April and October of each year. The RIN number contained in the hearing of this document can be used to cross reference this action with the United Agenda.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

In consideration of the foregoing, the FHWA hereby proposes to revise part 172 of chapter 1 of title 23, Code of Federal Regulations, as set forth below.

List of Subjects in 23 CFR Part 172

Government procurement, Grant programs—transportation, Highways and roads.

Issued on February 26, 1990.

T. D. Larson,
Administrator.

The FHWA proposes to revise 23 CFR part 172 to read as follows:

PART 172—ADMINISTRATION OF ENGINEERING AND DESIGN RELATED SERVICE CONTRACTS

Sec.

- 172.1 Purpose and applicability.
- 172.3 Definitions.
- 172.5 General principles.
- 172.7 Methods of procurement.
- 172.9 Compensation.
- 172.11 Contract modifications.
- 172.13 Monitoring the contract work.
- 172.15 Alternate procedures.

Authority: 23 U.S.C. 104(f), 112(b), 114(a), 302, 307(c), 315, and 402; 23 CFR part 17; 48 CFR parts 12 and 31; 49 CFR 1.48(b); 49 CFR 18; 41 U.S.C. 253 and 259.

§ 172.1 Purpose and applicability.

(a) To prescribe policies and standards for contracting to ensure that a qualified contractor is obtained through an equitable selection process, and that prescribed work is properly accomplished in a timely manner, at a reasonable cost.

(b) This regulation applies to all engineering and design service contracts for project management, construction management and inspection, feasibility studies, preliminary engineering, design engineering, design, engineering, surveying, mapping and architectural related services financed with Federal-aid highway funds. Agencies with approved Certification Acceptance Plans (CA) and/or Secondary Road Plans (SRP) shall adopt procedures consistent with this regulation and all references to the Federal Highway Administration's (FHWA) approvals of project actions should be interpreted as State approvals.

§ 172.3 Definitions.

Audit. An examination of a contractor's records made in accordance with generally accepted auditing standards.

Contract Modification. An agreement modifying the existing contract, such as an agreement to accomplish work beyond the scope of the original contract.

Contracting agency. The State highway agency or local governmental agencies (including Metropolitan Planning Organizations) which have responsibility for the procurement.

Contractor. The individual or firm providing supplies, personal property, nonpersonal services, or professional services as a party to the contract.

Extra work. Any services or actions required of the contractor above and beyond the obligations of the original or modified contract.

Fixed fee. A dollar amount established to cover the contractor's profit.

Scope of work. All services and actions required of the contractor by the obligations of the contract.

§ 172.5 General principles.

(a) **Need for contractor services in management roles.** The contracting agency shall receive approval from the FHWA before hiring a contractor to act in a "management" role for the contracting agency. This concept should be limited to situations where unique or unusual circumstances exist and where the contracting agency has provided adequate justification to explain its reason for using a contractor in this role and the reason it cannot perform the work.

(b) **Written procedures.** The contracting agency shall prepare written procedures for each method of procurement it proposes to utilize. These procedures and all revisions shall be approved by the FHWA and describe, as appropriate to the particular method of procurement, each step used:

- (1) In preparing a scope of work, evaluation factors and cost estimate prior to beginning the process of selecting a contractor,
- (2) In soliciting proposals from prospective contractors,
- (3) In the evaluation of proposals and the ranking/selection of a contractor,
- (4) In negotiation of the reimbursement to be paid to the selected contractor,
- (5) In monitoring the contractor's work and in preparing a contractor's performance evaluation when completed, and
- (6) In obtaining reimbursement for costs resulting from a contractor's error or omission.

(c) **Pre negotiation audits.** The contracting agencies shall prepare pre negotiation audits to provide the necessary data to assure that the contractor has an acceptable accounting system, sufficient resources to complete the work on time, adequate and proper justification of the various rates charged to perform work and is aware of the FHWA's cost eligibility and documentation requirements.

(1) Pre negotiation audits and the resultant audit opinions are required for all contracts expected to exceed \$250,000 and for contracts of less than \$250,000 where:

- (i) There is insufficient knowledge of the contractor's accounting system,
- (ii) There is previous unfavorable experience regarding the reliability of the contractor's accounting system, or
- (iii) The contract involves procurement of new equipment or supplies for which cost experience is lacking.

(2) The audit opinion should be based on current audit information available in the contracting agency's files or on a field audit if current information is not available. The use of an independent audit, an audit performed by another State/Federal agency or an audit performed by another local governmental agency is acceptable if the information is current and of sufficient detail.

(3) Prenegotiation audits may be waived if acceptable current data is available from previous audits performed on the contractor.

(d) *State responsibility in local agency contracts.* The State highway agency shall ensure that procurement actions by or through other State agencies or local agencies comply with this regulation. Local agency contracts not administered under CA or the SRP shall be subject to the prior approval of the State highway agency and the FHWA. Nothing herein shall be taken as relieving the State of its responsibility under Federal-aid highway laws and regulations for the work to be performed under any agreements entered into by a local agency.

(e) *Disadvantaged Business Enterprises (DBE) program.* The contracting agency shall give consideration to DBE firms in the procurement of contracts.

(f) *Contractual responsibilities.* The contracting agency shall be responsible for the settlement of all contractual/administrative issues, the establishment of a written code/standard of conduct to govern the performance of its employees engaged in the award and administration of the contracts and the establishment of procedures to avoid the purchase of unnecessary or duplicative items.

§ 172.7 Methods of procurement.

(a) *Competitive negotiation.* Competitive negotiation should be used for the selection of a contractor to provide engineering and design related services. The following procedures shall apply to the competitive negotiation process:

(1) *Scope, evaluation factors and cost estimate development.* Prior to issuing a Request for Proposal, the contracting agency shall prepare:

(i) A scope of work that reflects a clear, accurate, and detailed description of the technical requirements for the services to be rendered.

(ii) A list identifying the evaluation factors and their relative importance. These are to be used in the evaluation of the contractor's technical proposal, applicable work experience, present workload, past performance, staffing capabilities, etc.

(iii) A detailed cost estimate with an appropriate breakdown of specific types of labor required, work hours, salary estimates and an estimate of the contractor's fixed fee (considering the risk and complexity of the project).

(2) *Soliciting proposal.*—(i) *Solicitation.* The solicitation process shall be by project advertisement to insure that qualified in-State and out-of-State contractors are given the opportunity to be considered for award of a contract. It shall include a process where either:

(A) A contractor's interest in performing the work is solicited; the responding contractors are evaluated and ranked based on qualifications; and proposals are requested from three or more contractors starting with the top ranked contractor, or

(B) Proposals are solicited by advertisement from all contractors that are interested in being considered for the work.

(ii) *Request for proposal.* The request for proposal shall:

(A) Provide description of the scope of work and identification of the evaluation factors including their relative importance as included in paragraph (a)(1) of this section.

(B) Specify the method(s) of payment (lump sum, cost plus a fixed fee, cost per unit of work, or specific rate(s) of compensation).

(C) Request the submission of a proposal in either a nonpriced or priced (if allowed for under the State's procedures) format.

(D) Allow sufficient time for the contractor to prepare and submit the proposal.

(3) *Analysis and selection.* (i) The contractors' proposals, containing the information required by paragraph (a)(2) of this section, shall be evaluated and ranked by the contracting agency. This process shall include an analysis of the proposals in comparison to the evaluation factors and the contracting agency's various work, time and cost estimates for the contract.

(ii) The award of engineering and design related services shall:

(A) Utilize qualifications-based procedures that either comply with the provisions of Title IX of the Federal

Property and Administrative Services Act of 1949 (Pub. L. 92-582, 86 Stat. 1278 (1972)) or utilize equivalent State qualifications-based procedures, or

(B) Utilize a formal procurement procedure that is permitted by State statute or is subsequently established by State statute.

(iii) The contracting agency shall retain acceptable documentation of the proposal, evaluation and selection of the contractor. Records shall be maintained for a 3-year period after final payment by the FHWA.

(4) *Negotiation responsibilities.* (i) The negotiator shall use all resources available to conduct effective negotiations, including but not limited to, the scope of work, the evaluation factors and their relative importance, the cost estimate as required in paragraph (a)(1) of this section and the audit opinion issued as a result of the prenegotiation audit required in § 172.5(c) of this part.

(ii) The negotiator shall separately negotiate the elements of cost (overhead, direct costs, and salaries) and fixed fees.

(iii) The contracting agency shall maintain records of negotiations to document negotiation activities and set forth the resources considered by the negotiator. Records shall be maintained for a 3-year period after final payment by the FHWA.

(5) *Execution of contracts.* The proposed contract including the agreed upon cost figures shall be submitted to the FHWA for approval prior to its execution.

(b) *Small purchases.* Contracting agencies may use small purchase procedures for the procurement of engineering and design related services when the contract cost does not exceed \$25,000. Price or rate quotations shall be obtained from two or more qualified sources to assure competition.

(c) *Noncompetitive negotiation.* Noncompetitive negotiation should be used to obtain engineering and design related services when the award of a contract is not feasible under small purchase or competitive negotiation procedures.

(1) Circumstances under which a contract may be awarded by noncompetitive negotiation are limited to the following:

(i) The service is available only from a single source, or

(ii) There is an emergency which will not permit the time necessary to conduct competitive negotiations, or

(iii) After solicitation of a number of sources, competition is determined inadequate.

(2) The contracting agency shall comply with the following procedures for noncompetitive negotiations:

(i) Establish a process to determine when noncompetitive negotiation will be used and submit a written request with justification to the FHWA for approval.

(ii) Develop an adequate scope of work, evaluation factors and cost estimate as required in paragraph (a)(1) of this section.

(iii) Conduct negotiations as required in paragraph (a)(4) of this section, and

(iv) Submit the proposed contract and cost estimate to the FHWA for approval.

§ 172.9 Compensation.

(a) Contracting agencies may establish cost principles for determining the reasonableness and allowability of costs. Federal reimbursement shall be limited to the Federal share of the costs allowable under the cost principles in 48 CFR part 31 (Federal Acquisition Regulations). Any references included in 48 CFR part 31 to other parts of 48 CFR do not apply to these contracts.

(b) Applicable cost principles shall be referenced in each contractual document.

(c) *Methods of payment.* (1) The method of payment to compensate the contractor for all work required shall be set forth in the original contract and in any contract modifications thereto. It may be a single method for all work or may involve different methods for different elements of work. The methods of payment which shall be used are: lump sum, cost plus fixed fee, cost per unit of work or specific rates of compensation.

(2) Compensation based on cost plus a percentage of cost or percentage of construction cost shall not be used.

(3) When the method of payment is other than a lump sum, the contract shall specify a maximum amount payable which shall not be exceeded unless adjusted by a contract modification.

(4) The lump sum method shall not be used to compensate a contractor for construction engineering and inspection services.

(d) *Fixed fees.* (1) The determination of the amount of the fixed fee shall take into account the size, complexity, duration, and degree of risk involved in the work. The establishment of the fixed fee shall be project specific.

(2) Fixed fees normally range from 6 to 15 percent of the total direct and indirect cost. Subject to the approval of the FHWA, a fixed fee over 15 percent may be justified when exceptional circumstances exist.

§ 172.11 Contract modifications.

(a) Contract modifications are required for any modification in the terms of the original contract that change the cost of the contract; significantly changed the character, scope, complexity, or duration of the work; or significantly change the conditions under which the work is required to be performed.

(b) A contract modification shall clearly outline the changes made and determine a method of compensation. FHWA approval of contract modifications shall be obtained prior to beginning the work except as discussed in paragraph (d) of this section.

(c) Overruns in the costs of the work shall not warrant an increase in the fixed fee portion of a cost plus fixed fee contract. Significant changes to the Scope of Work may require adjustment of the fixed fee portion in a cost plus fixed fee contract or in a lump sum contract.

(d) In unusual circumstances, the contractor may be authorized to proceed with work prior to agreement on the amount of compensation and execution of the contract modification, provided the FHWA has previously approved the work and has concurred that additional compensation is warranted.

§ 172.13 Monitoring the contract work.

(a) A public employee qualified to insure that the work being pursued is complete, accurate and consistent with the terms, conditions, and specifications of the contract shall be in responsible charge of each contract or project.

The employee's responsibilities include:

(1) Scheduling and attending progress meetings with the contractor and being involved in decisions leading to change orders or supplemental agreements.

(2) Being familiar with the qualifications and responsibilities of the contractor's staff.

(3) Visiting the project and/or contractor's offices on a frequency that is commensurate with the magnitude, complexity and type of work. This includes being aware of the day-to-day operations for Construction Engineering Service contracts, and

(4) Assuring that costs billed are consistent with the acceptability and progress of the contractor's work.

(b) A final performance evaluation report shall be prepared by the public employee in responsible charge of the contract and shall be submitted to the State highway agency's contracting office. The report should include, but not be limited to, an evaluation of such items as timely completion of work, conformance with contract cost and the quality of work.

§ 172.15 Alternate procedures.

(a) This is a process whereby the contracting agency can be authorized to substitute its contract review and approval actions for those of the FHWA. Operations under the alternate procedures concept shall comply with the intent of this regulation and include the following:

(1) A formal request by the contracting agency to operate under the alternate procedure concept. The request shall include:

(i) The contracting agency's written procedures as required by § 172.5(b) of this part, and

(ii) A statement signed by the chief administrative officer of the contracting agency certifying that there shall be conformance with the written procedures, the provisions of this regulation, and all applicable Federal and State laws and administrative requirements.

(2) To the extent a contracting agency's procedures are found acceptable, FHWA approval action of the individual contracts or their supplements is not required. A copy of the executed contract shall be submitted to the FHWA.

(b) The alternate procedures concept may apply to all Federal-aid highway projects on any Federal-aid system.

[FR Doc. 90-4889 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-22-M

Coast Guard

33 CFR Part 115

[CGD 81-057]

RIN 2115-AA61

General Bridge Permit Program Regulations

AGENCY: Coast Guard, DOT.

ACTION: Notice of withdrawal.

SUMMARY: On April 24, 1986, the Coast Guard published a supplemental notice of proposed rulemaking (51 FR 15503) concerning the establishment of a General Bridge Permit program to expedite processing of bridge permits for certain bridges which have an insignificant impact on navigation and the quality of the human environment. As part of this rulemaking project, the Coast Guard published a notice entitled "Authorization to Proceed Under a General Bridge Permit; Determination of Categorical Exclusion Under NEPA" (52 FR 6281; March 2, 1987). After consideration of the comments received on these notices, the Coast Guard

determined that the regulatory changes required to resolve the problems identified in the comments would create a more complex and burdensome regulation. Such a regulation would be contrary to the original objective of reducing permit processing time and paperwork. In addition, it was determined that only a few proposed bridges would be eligible under the program. In light of the above, the Coast Guard is withdrawing this rulemaking. This withdrawal, however, has no effect on the existing advance approval program for bridges under 33 CFR 115.70.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Mr. Frank Bonomo, Bridge Permits Branch, (202) 267-0372.

Dated: February 26, 1990.

R. T. Nelson,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation Safety and Waterway Services.

[FR Doc. 90-4878 Filed 3-2-90; 8:45 am]

BILLING CODE 4910-14-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 90-65, RM-7086]

Radio Broadcasting Services; Emporia, Fort Scott & Independence, Kansas

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Communications Group, Inc., proposing the substitution of Channel 269C2 for Channel 269A at Emporia, Kansas. Petitioner also requests modification of its license for Station KEGS(FM) to specify the higher class channel. The coordinates for Channel 269C3 are 38-07-04 and 95-11-41. To accommodate the new allotment at Emporia we shall propose the substitution of Channel 284A for Channel 269A at Independence, Kansas, at coordinates 37-15-42 and 95-45-59, and Channel 275A for Channel 269A at Fort Scott, Kansas, at coordinates 37-47-47 and 94-42-20.

DATES: Comments must be filed on or before April 20, 1990, and reply comments on or before May 7, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: James P. Riley, Robert D.

Primosch, Fletcher, Heald & Hildreth, 1225 Connecticut Avenue, NW., Suite 400, Washington, DC 20036 (Counsel for petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-65, adopted February 8, 1990, and released February 27, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4857 Filed 3-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-66, RM-7139]

Radio Broadcasting Services; Osage Beach and Warsaw, Missouri

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by KRMS-KYLC, Inc., proposing the substitution of Channel 228C3 for Channel 228A at Osage Beach, Missouri. Petitioner also requests modification of its license for Station KYLC to specify the new channel. The coordinates for Channel

228C3 at Osage Beach are 38-17-33 and 92-34-24. To accommodate the upgrade at Osage Beach, it is necessary to substitute Channel 253A for vacant Channel 229A at Warsaw, Missouri. The coordinates for Channel 253A are 38-20-30 and 93-21-55.

DATES: Comments must be filed on or before April 20, 1990, and reply comments on or before May 7, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Bruce A. Eisen, Kaye, Scholer, Fierman, Hays & Handler, 901 15th Street, NW, Suite 1100, Washington, DC 20005 (Counsel for the petitioner).

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-66, adopted February 8, 1990, and released February 27, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts. For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

Federal Communications Commission.

Karl Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4856 Filed 3-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 89-318; RM-6692]

Radio Broadcasting Services; Windcrest and Hondo, Texas**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule; dismissal of proposal.

SUMMARY: This document dismisses a petition filed by Jewel R. Morris proposing the allotment of Channel 253A to Windcrest, Texas, and the substitution of Channel 254A for Channel 253A at Hondo, Texas, in order to provide Windcrest with a first local FM service, at the petitioner's request. See 54 FR 32362, August 7, 1989. With this action, this proceeding is terminated.

ADDRESSES: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 89-318, adopted February 8, 1990, and released February 27, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW, Suite 140, Washington, DC 20037.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4859 Filed 3-2-90; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 73

[MM Docket No. 90-67, RM-7026, RM-7057]

Radio Broadcasting Services; Bon Air, Chester, Mechanicsville, Ruckersville, and Williamsburg, Virginia**AGENCY:** Federal Communications Commission.**ACTION:** Proposed rule.

SUMMARY: This document requests comments on a petition by Sinclair TeleCable, Inc., licensee of Station WCDX(FM), Channel 224A, Mechanicsville, Virginia, proposing the substitution of Channel 221B1 for Channel 224A at Mechanicsville, the change of community of license for Station WCDX(FM) from Mechanicsville

to Bon Air, Virginia, and the modification of the station's license accordingly. In addition, the proposal requires the substitution of Channel 226A for Channel 221A at Chester, Virginia, and the modification of the license of Station WDYL(FM) at Chester, as well as the substitution of Channel 270A for Channel 221A at Ruckersville, Virginia, and the modification of the construction permit for Station WXZY(FM) at Ruckersville. Furthermore, this document requests comments on a related petition by Keymarket of Virginia, Inc., licensee of Station WQSF(FM), Channel 243B, Williamsburg, Virginia, proposing the reallocation of Channel 243B from Williamsburg to Mechanicsville. The proposed allotment of Channel 221B1 at Bon Air requires a site restriction of 14.2 kilometers (8.8 miles) north of the city at coordinates 37-39-00 and 77-35-00. The coordinates for Channel 226A at Chester are 37-22-16 and 77-25-41. The coordinates for Channel 270A at Ruckersville are 38-14-55 and 78-24-38. Channel 243B at Mechanicsville requires a site restriction 24.3 kilometers (15.1 miles) southwest of the city, at coordinates 37-25-30 and 77-32-00.

DATES: Comments must be filed on or before April 20, 1990, and reply comments on or before May 7, 1990.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioners, or their counsel or consultant, as follows: Howard M. Weiss, Esquire, Mark N. Lipp, Esquire, Mullin, Rhyne, Emmons and Topel, P.C., 1000 Connecticut Avenue, Suite 500, Washington, DC 20036 (Counsel for Sinclair TeleCable, Inc.); and James M. Weitzman, Esquire, Kaye, Scholer, Fierman, Hays & Handler, 901 15th Street, NW., Suite 1100, Washington, DC 20005 (Counsel for Keymarket of Virginia, Inc.).

FOR FURTHER INFORMATION CONTACT: Patricia Rawlings, (202) 634-6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 90-67, adopted February 7, 1990, and released February 27, 1990. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, (202) 857-3800, 2100 M Street, NW., Suite 140, Washington, DC 20037.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73**Radio Broadcasting.**

Federal Communications Commission.

Karl A. Kensinger,

Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 90-4858 Filed 3-2-90; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17****Endangered and Threatened Wildlife and Plants; Notice of Reopen Comment Period of Petition to List the California, Oregon, and Washington Population of the Marbled Murrelet as a Threatened Species****AGENCY:** Fish and Wildlife Service, Interior.**ACTION:** Notice of reopening of public comment period for status review on listing petition.

SUMMARY: The U.S. Fish and Wildlife Service (Service) gives notice that the comment period for the status review on the petition to list the California, Oregon, and Washington population of the marbled murrelet (*Brachyramphus marmoratus marmoratus*) as a threatened species is reopened. The Service believes the comment period should be reopened to obtain additional information on the species status and population distribution. Detailed studies were conducted by various research groups during the 1988 and 1989 breeding seasons. Analysis of the data is nearly complete, and the results are targeted for release this spring. Requests have been made by some of the petitioners as well as the State of Oregon to reopen the comment period in order to allow the Service to consider this data.

DATES: Comments on the petition to list the marbled murrelet must be submitted by May 31, 1990.

ADDRESSES: Information, comments, or questions on the marbled murrelet should be submitted to the Regional Director, U.S. Fish and Wildlife Service, 1002 NE Holladay Street, Portland, Oregon 97232. The petition, comments, and materials will be available for public inspection during normal business hours, by appointment at the above address.

FOR FURTHER INFORMATION CONTACT: Dr. Andrew F. Robinson at the above address (telephone 503/231-6150 or FTS 429-6150).

SUPPLEMENTARY INFORMATION:

Background

The marbled murrelet is found along the north Pacific coast of North America, with a separate subspecies being present in Asia. The service received a petition on January 15, 1988, to list the subspecies as a threatened species in the States of California, Oregon, and Washington. The Service found that the petition presented substantial information indicating that the requested action may be warranted. The finding was published in the *Federal Register* on October 17, 1988 (53 FR 40479). Comments and information were received until December 1, 1988. The significance of the population of this subspecies within the petitioned area as well as the habitat requirements of this subspecies were concerns identified in the petition finding and the status review subsequently prepared by the Service.

On January 6, 1989, the subspecies was included as a Category 2 candidate species on the Service's Animal Notice of Review published in the *Federal Register* (54 FR 554). Category 2 comprises taxa for which information now in possession of the Service indicates that proposing to list as endangered or threatened in possibly appropriate, but for which conclusive data on biological vulnerability and threat are not currently available to support proposed rules. Research addressing the life history, habitat requirements and status, and population distribution and status has been ongoing. Information developed since the closing of the comment period will soon be available for consideration in determining whether or not a proposed classification of the murrelet as threatened is warranted. Additional information and comments may be submitted through May 31, 1990, to the Service office in the **ADDRESSES** section.

Author

This notice was prepared by Mr. Jim Bottorff, U.S. Fish and Wildlife Service, 727 NE 24th Avenue, Portland, Oregon 97232 (503/231-6179 or FTS 429-6179).

Authority

The authority for this action is the Endangered Species Act of 1973, as amended: Pub. L. 93-205, 87 Stat. 884; Pub. L. 94-359, 90 Stat. 911; Pub. L. 95-632, 92 Stat. 3751; Pub. L. 96-159, 93 Stat. 1225; Pub. L. 97-304, 96 Stat. 1411 (16 U.S.C. 1531 et seq.); Pub. L. 100-478, 102 Stat. 2308; Pub. L. 100-653, 102 Stat. 3825, unless otherwise noted.

List of Subjects in 50 CFR Part 17

Endangered and threatened wildlife, Fish, Marine mammals, Plants (agriculture).

Dated: February 23, 1990.

Marvin L. Plenert,

Regional Director, U.S. Fish and Wildlife Service.

[FR Doc. 90-4913 Filed 3-2-90; 8:45 am]

BILLING CODE 4310-55-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 658

[Docket No. 80993-0056]

RIN 0648-AC75

Shrimp Fishery of the Gulf of Mexico

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Proposed rule.

SUMMARY: NOAA issues this proposed rule to implement a previously disapproved portion of Amendment 4 to the Fishery Management Plan for the Shrimp Fishery of the Gulf of Mexico (FMP). This proposed rule provides that white shrimp taken in the exclusive economic zone (EEZ) will be subject to the minimum-size landing and possession limits of Louisiana when possessed within the jurisdiction of that State. The intended effect of this rule is to provide consistency between state and Federal management measures, to facilitate enforcement, and to enhance yield in volume and value from the shrimp fishery by deferring harvest of small shrimp, thus allowing growth and promoting efficient utilization of the resource.

DATES: Written comments must be received on or before March 19, 1990.

ADDRESSES: Comments on this proposed rule and requests for copies of the Supplement to Amendment 4 to the FMP, which includes the environmental assessment and the regulatory impact review, should be sent to Michael E. Justen, Southeast Region, NMFS, 9450 Koger Boulevard, St. Petersburg, FL 33702.

FOR FURTHER INFORMATION CONTACT: Michael E. Justen, 813-893-3722.

SUPPLEMENTARY INFORMATION: The shrimp fishery in the Gulf of Mexico is managed under the FMP, prepared by the Gulf of Mexico Fishery Management Council (Council), and its implementing regulations at 50 CFR Part 658, under the authority of the Magnuson Fishery Conservation and Management Act (Magnuson Act), 16 U.S.C. 1801 et seq. This proposed rule would implement the Supplement to Amendment 4 to the FMP.

Background

Amendment 4 was originally submitted to the Secretary of Commerce (Secretary) in December 1987. It was preliminarily disapproved in January 1988 because of inadequacies in certain information and analysis. The Council resubmitted Amendment 4 in August 1988, and its availability was published in the *Federal Register* on August 24, 1988 (53 FR 32264). The proposed rule to implement Amendment 4 was published in the *Federal Register* on September 21, 1988 (53 FR 36609).

The Secretary approved portions of Amendment 4 on October 19, 1988, but disapproved the proposal that white shrimp taken in the EEZ conform to the minimum-size landing and possession limits of the state where landed (53 FR 49992, December 13, 1988). NOAA disapproved the proposal because (1) it was not justified by adequate economic rationale; (2) the use of size counts as a management tool for shrimp was inconsistent with the FMP; and (3) the measure included an open-ended deferral to changes in state count laws for white shrimp that would not be reviewable for conformance with the FMP prior to becoming applicable to white shrimp harvested from the EEZ.

The Council has revised its proposal so that white shrimp taken in the EEZ would be subject to a state's minimum-size landing and possession limits only with respect to Louisiana's limits when possessed within the jurisdiction of Louisiana. Further, the Council has provided additional rationale and analysis for its proposal.

Analysis and justification

Louisiana has established a minimum size limit for possession of whole white shrimp of 100 shrimp to the pound (100-count). Shrimp smaller than 100-count have low value and have not achieved their growth potential. Fishing for white shrimp smaller than 100-count results in growth overfishing.

In December and January, small white shrimp are driven by cold fronts from the inshore waters to warmer waters offshore. While Louisiana protects these shrimp, which are smaller than 100-count, within its waters, the possible presence of small shrimp in the EEZ has made Louisiana law difficult to enforce. Fishermen can claim that undersized shrimp were caught in the EEZ and, thus, are not subject to Louisiana's jurisdiction. Effective enforcement by Louisiana requires a costly at-sea presence to counter such claims. This proposed rule would facilitate enforcement by Louisiana.

The amount of white shrimp smaller than 100-count caught in the EEZ varies by year according to environmental conditions. In 1985, approximately 1.7 million pounds of white shrimp smaller than 100-count were caught in the EEZ. This represents approximately 3 percent of the entire U.S. catch of white shrimp from the Gulf of Mexico. All but about 30,000 pounds came from the EEZ off Louisiana. Based on these data, this proposed rule would defer the harvest of approximately 1.67 million pounds of small white shrimp harvested from the EEZ off Louisiana plus unknown quantities previously illegally harvested from the waters of Louisiana. Allowing these shrimp to grow to a larger, more valuable sized is expected to result in increased yield from the fishery.

Prior to Amendment 4, the FMP specifically rejected a minimum count size for white shrimp taken in the EEZ. Based on analysis of the current harvesting practices for white shrimp off Louisiana and the processing capability and markets for such shrimp, Amendment 4 concludes that the proposed 100-count minimum size limit applicable to white shrimp caught in the EEZ and taken into Louisiana's jurisdiction does not conflict with the goals and objectives of the FMP.

A traditional winter fishery for seabobs (a small species of shrimp averaging 120 to the pound) exists off Louisiana during the same months that small white shrimp occur in the EEZ. Small white shrimp, about the same size as the seabobs, are regularly taken as bycatch in this fishery. To avoid disruption of the seabob fishery, Louisiana recently provided for a 10-

percent allowable bycatch of small white shrimp in its landing and possession limits for the seabob fishery. Specific bycatch rates of small white shrimp in the seabob fishery are not available, but the American Shrimp Processors Association concurs with the 10 percent limit, based on the seabob harvest processed by its member facilities. Therefore, the Council concludes that this action will not have a negative economic impact on participants in the seabob fishery.

To the extent that Louisiana could change its minimum count size regulations, this measure remains open-ended. However, Louisiana's rulemaking procedure provides advance notice of proposed actions, analysis of which can be undertaken by NMFS and the Council. Non-conformity with the FMP of any such action would be a basis to initiate an appropriate FMP or regulatory amendment. While such corrective action might be burdensome, the Council considers the risk to be minimal and the gain worthwhile.

Classification

Section 304(b)(3)(B)(iii) of the Magnuson Act, as amended by Public Law 99-659, requires the Secretary of Commerce (Secretary), after a Council has resubmitted a partially disapproved amendment to a FMP, to review immediately the revised proposed regulations, make such changes to them as may be necessary, and thereafter publish such revised proposed regulations in the Federal Register. At this time, the Secretary has not determined that the resubmitted Amendment 4, which this proposed rule would implement, is consistent with the national standards, other provisions of the Magnuson Act, and other applicable law. The Secretary, in making that determination, will take into account the data, views, and comments received during the comment period.

This proposed rule is exempt from the procedures of E.O. 12291 under section 8(a)(2) of that order because the Magnuson Act requires that the proposed rule be published immediately after its receipt from the Council. It is being reported to the Director, Office of Management and Budget, with an explanation of why it is not possible to follow the procedures of that order.

The Under Secretary of Oceans and Atmosphere, NOAA, determined that this proposed rule is not a "major rule" requiring the preparation of a regulatory impact analysis under E.O. 12291. This proposed rule, if adopted, is not likely to result in an annual effect on the economy of \$100 million or more; a major increase in costs or prices for

consumers, individual industries, Federal, state, or local government agencies, or geographic regions; or a significant adverse effect on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Council prepared a regulatory impact review (RIR) which concludes that this rule will have the following economic effects. The value of white shrimp harvested at a larger size is expected to exceed the value that would be harvested in the absence of this rule. Enforcement by Louisiana of its size limits will be more efficient and effective. A copy of the RIR may be obtained at the address listed above.

The General Counsel of the Department of Commerce certified to the Small Business Administration that this proposed rule, if adopted, will not have a significant economic impact on a substantial number of small entities for the following reasons. This rule would have an economic impact only on those relatively few fishermen who catch white shrimp smaller than 100-count in the EEZ (or illegally in Louisiana's waters) and land them in Louisiana. The economic impact would not be significant because harvest of these small shrimp is deferred until they reach a larger size, rather than foregone. As a result, a regulatory flexibility analysis was not prepared.

The Council prepared an environmental assessment (EA) for this amendment that discusses the impact on the environment as a result of this rule. A copy of the EA may be obtained at the address listed above and comments on it are requested.

The Council determined that this rule will be implemented in a manner that is consistent to the maximum extent practicable with the approved coastal zone management program of Louisiana. There is no effect on any other state. This determination has been submitted for review by Louisiana under section 307 of the Coastal Zone Management Act.

This proposed rule does not contain a collection-of-information requirement for purposes of the Paperwork Reduction Act.

This proposed rule does not contain policies with federalism implications sufficient to warrant preparation of a federalism assessment under E.O. 12612.

List of Subjects in 50 CFR Part 658

Fisheries, Fishing, Reporting and recordkeeping requirements.

Dated February 27, 1990.

Samuel W. McKeen,

Acting Assistant Administrator for Fisheries,
National Marine Fisheries Service.

For the reasons set forth in the
preamble, 50 CFR Part 658 is proposed
to be amended as follows:

**PART 658—SHRIMP FISHERY OFF THE
GULF OF MEXICO**

1. The authority citation for part 658
continues to read as follows:

Authority: 16 U.S.C. 1801 *et seq.*

2. Section 658.26 is revised to read as
follows:

§ 658.26 Size restrictions.

There are no minimum size
restrictions for shrimp taken in the EEZ
except that white shrimp taken in the
EEZ are subject to the minimum-size
landing and possession limits of
Louisiana when possessed within the
jurisdiction of that State.

[FR Doc. 90-4873 Filed 2-27-90; 4:32 pm]

BILLING CODE 3510-22-M

Notices

Federal Register

Vol. 55, No. 43

Monday, March 5, 1990

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Agricultural Stabilization and Conservation Service

National Marketing Quota for Cigar-Filler (TYPE 46) Tobacco

AGENCY: Agricultural Stabilization and Conservation Service (ASCS), United States Department of Agriculture (USDA).

ACTION: Notice of determination.

SUMMARY: The purpose of this notice is to determine and announce the amount of the national marketing quota for cigar-filler (Type 46) tobacco for the 1990-91 marketing year as required by the Agricultural Adjustment Act of 1938, as amended, by March 1, 1990. Accordingly, this notice sets forth the announcement of a zero quota for cigar-filler (Type 46) tobacco for the 1990-91 marketing year and the factors used in making this determination.

EFFECTIVE DATE: March 1, 1990.

FOR FURTHER INFORMATION CONTACT: Robert Tarczy, Agricultural Economist, Commodity Analysis Division, ASCS, USDA, Room 3736-South Building, P.O. Box 2415, Washington, DC 20013, (202) 447-8839.

SUPPLEMENTARY INFORMATION: This notice has been reviewed under USDA procedures established to implement Executive Order 12291 and Department Regulation 1512-1 and has been classified as "not major." The matters under consideration will not result in: (1) An annual effect on the economy of \$100 million or more, (2) a major increase in costs for consumers, individual industries, Federal, State or local governments, or geographical regions, or (3) significant adverse effects on competition, employment, investment, productivity, innovation, the environment or the ability of United States-based enterprises to compete

with foreign-based enterprises in domestic or export markets.

The title and number of the Federal Assistance Program that this notice applies to are: Title—Commodity Loan and Purchases, Number—10.051, as set forth in the Catalog of Federal Domestic Assistance.

It has been determined that the Regulatory Flexibility Act is not applicable to this notice since the Agricultural Stabilization and Conservation Service (ASCS) is not required by 5 U.S.C. 553 or any provision of law to publish a notice of proposed rulemaking with respect to the subject matter of this notice.

This activity is not subject to the provisions of Executive Order 12372 which requires intergovernmental consultation with State and local officials. See the Notice related to CFR part 3015, subpart V, published at 48 FR 29115 (June 24, 1983).

In accordance with section 312 of the Agricultural Adjustment Act of 1938, as amended (the Act), the Secretary of Agriculture is required to determine and announce marketing quotas for cigar-filler (type 46) tobacco. In accordance with this Act, it is not possible to announce a national marketing quota greater than zero. Accordingly, no other option may be considered with respect to the announcement of such quota for the 1990-91 marketing year. Accordingly, no Regulatory Impact Analysis will be prepared.

Producers of cigar-filler tobacco approved marketing quotas for the 1989-90, 1990-91, and 1991-92 marketing years in a referendum held March 29, 1989.

Definitions

Section 301(b) of the Act also defines the "total supply" of cigar-filler (type 46) tobacco as the carryover at the beginning of the current marketing year (October 1, 1989) plus the estimated 1989 production in the United States. Therefore, the total supply of cigar-filler (type 46) tobacco for the 1989-90 marketing year is 3.4 million pounds based on beginning stocks of 3.4 million pounds and 1989 production of 0.0 million pounds.

Section 301(b) of the Act also defines the reserve supply level as the normal supply plus 5 percent thereof. The normal supply is defined as a normal year's domestic consumption and

exports, plus 175 percent of a normal year's domestic consumption plus 65 percent of a normal year's exports.

A normal year's domestic consumption is defined as the yearly average quantity produced in the United States and consumed in the United States during the 10 marketing years immediately preceding the marketing year in which such consumption is determined, adjusted for current trends in such consumption. A normal year's exports is defined as the yearly average quantity produced in and exported from the United States during the 10 marketing years immediately preceding the marketing year in which such exports are determined, adjusted for current trends in such exports.

The yearly average quantity of cigar-filler (type 46) tobacco produced in the United States which is estimated to have been consumed in the United States during the 10 marketing years preceding the 1989-90 marketing year was approximately 1.0 million pounds. None was exported during this time. Domestic use has shown a downward trend.

The two loan associations sold 1.1 million pounds of inventory in the 1988-89 marketing year, but only at large discounts. Virtually no market exists for type 46 tobacco that is priced at or above the price support level. Accordingly, a normal year's domestic consumption has been set at 0.2 million pounds while a normal year's exports have been set at 0.0 million pounds. Application of the formula prescribed by section 301(b)(14)(B) of the Act results in a reserve supply level of 0.6 million pounds.

Manufacturers and dealers reported stocks of cigar-filler (type 46) tobacco held on October 1, 1989, of 3.4 million pounds. The 1989 cigar-filler (type 46) tobacco crop is estimated to be nil. Therefore, the total supply of cigar-filler (type 46) tobacco for the 1989-90 marketing year is 3.4 million pounds. During the 1989-90 marketing year, it is estimated that disappearance will total approximately 0.5 million pounds. By deducting this disappearance from the total supply, a carryover of 2.9 million pounds at the beginning of the 1990-91 marketing year is obtained.

The difference between the reserve supply level and the estimated carryover on October 1, 1990 is -2.3 million pounds. Because the estimated

carryover at the beginning of the 1990-91 marketing year exceeds the reserve supply level, the quantity of cigar-filler (type 46) tobacco which may be marketed during the 1990-91 marketing year is zero.

In accordance with section 312(b) of the Act, the 1990-91 national marketing quota for cigar-filler (type 46) tobacco is zero. Accordingly, the national acreage allotment for such tobacco is zero.

Pursuant to the provisions of section 313(g) of the Act, the national acreage factor is 0.00.

Determinations 1990-91 Marketing Year

For cigar-filler (type 46) tobacco for the marketing year beginning October 1, 1990:

(a) *Reserve supply level.* The reserve supply level for cigar-filler (type 46) tobacco for the 1989-90 marketing year is 0.6 million pounds.

(b) *Total supply.* The total supply of cigar-filler (type 46) tobacco for the marketing year beginning October 1, 1989, is 3.4 million pounds.

(c) *Carryover.* The estimated carryover of cigar-filler (type 46) tobacco for the marketing year beginning October 1, 1990, is 2.9 million pounds.

(d) *National marketing quota.* Because the estimated carryover at the beginning of the 1990-91 marketing year exceeds the reserve supply level, the quantity of cigar-filler (type 46) tobacco which may be marketed during the 1990-91 marketing year is zero.

(e) *National acreage allotment.* The national acreage allotment is 0.0 acres.

(f) *National acreage factor.* The national acreage factor for use in determining farm acreage allotment is 0.0.

Authority: Secs. 301, 312, 313, 375, 52 Stat. 38, as amended, 46, as amended, 47, as amended, 66, as amended (7 U.S.C. 1301, 1312, 1313, 1375).

Signed at Washington, DC on February 27, 1990.

Keith D. Bjerke,

Administrator, Agricultural Stabilization and Conservation Service.

[FR Doc. 90-4928 Filed 3-5-90; 8:45 am]

BILLING CODE 3410-05-M

DEPARTMENT OF COMMERCE

Bureau of the Census

Pretest for the 1992 Census of Finance, Insurance, and Real Estate

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of consideration.

SUMMARY: The Bureau of the Census proposes to conduct a pretest for the 1992 Census of Finance, Insurance, and Real Estate. This one-time sample survey will be carried out under authority of title 13, United States Code, sections 131, 193, and 224. The pretest will cover establishments classified as depository institutions; nondepository credit institutions; security and commodity brokers, dealers, exchanges, and services; insurance carriers; insurance agents, brokers, and services; real estate; and holding and other investment offices. Survey questionnaires will collect basic operating information for 1989, including receipts or revenue, expenses, payroll, employment, physical location of establishment, operational status, organizational status, and kind of business or activity; additional inquiries will collect specialized information, such as assets and liabilities, insurance benefits paid, or value of exported services, for specific industries.

DATES: Comments must be submitted on or before March 15, 1990.

ADDRESSES: Director, Bureau of the Census, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT: Howard N. Hamilton on (301) 763-7564.

SUPPLEMENTARY INFORMATION: The Census Bureau is developing plans to initiate economic census coverage of the finance, insurance, and real estate industries. Title 13, United States Code, provides legal authority for the economic censuses and for related surveys conducted in advance of the censuses in order to collect preliminary statistics needed to initiate the censuses.

Information and recommendations received by the Census Bureau indicate that economic census data for these industries have significant application to the information needs of government, the business community, and the public. Investigations are under way to determine whether these needs can be met by economic information that is presently available from other public sources. The Census Bureau is consulting government and private authorities, trade groups, and firms in the subject industries in order to address questions about specific data needs, measurement concepts, recordkeeping practices, and other issues relating to collection of economic census data. The Census Bureau invites public comment on these matters and welcomes constructive criticism of its plans to conduct a 1992 Census of Finance, Insurance, and Real Estate.

The Census Bureau is making preliminary plans for covering these

industries in the 1992 Economic Censuses and is developing questionnaires for that purpose. The proposed pretest is an essential step in performing a rigorous evaluation of these questionnaires and related collection methods. The Census Bureau will mail pretest questionnaires to a probability sample of establishments in the subject industries. This sample will provide, with measurable statistical reliability, preliminary information that is needed for effective planning of the economic censuses.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, DC 20233.

Dated: February 27, 1990.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 90-4864 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-07-M

Bureau of Census

Pretest for the 1992 Census of Transportation, Communications, and Utilities

AGENCY: Bureau of the Census, Commerce.

ACTION: Notice of consideration.

SUMMARY: The Bureau of the Census proposes to conduct a pretest for the 1992 Census of Transportation, Communications, and Utilities. This one-time sample survey will be carried out under authority of title 13, United States Code, sections 131, 193, and 224. The pretest will cover establishments which are primarily engaged in the following kinds of business: railroad transportation; local and suburban transit and interurban highway passenger transportation; transportation by air; pipelines; communications; and electric, gas, and sanitary services. Survey questionnaires will collect basic operating information for 1989, including revenue, payroll, employment, physical location of establishment, operational status, organizational status, and kind of business or activity; a small number of additional inquiries will collect specialized information, such as revenue by class of customer or force account construction expenditures, for specific industries.

DATES: Comments must be submitted on or before March 15, 1990.

ADDRESSES: Director, Bureau of the Census, Washington, DC 20233.

FOR FURTHER INFORMATION CONTACT:
Howard N. Hamilton on (301) 763-7564.

SUPPLEMENTARY INFORMATION: The Census Bureau is developing plans to initiate economic census coverage of railroad transportation; local and suburban transit and interurban highway passenger transportation; transportation by air; pipelines; communications; and electric, gas, and sanitary services. Title 13, United States Code, provides legal authority for the economic censuses and for related surveys conducted in advance of the censuses in order to collect preliminary statistics needed to initiate the censuses.

Information and recommendations received by the Census Bureau indicate that economic census data for these industries have significant application to the information needs of government, the business community, and the public. Investigations are under way to determine whether these needs can be met by economic information that is presently available from other public sources. The Census Bureau is consulting government and private industries, trade groups, and firms in the subject industries in order to address questions about specific data needs, measurement concepts, recordkeeping practices, and other issues relating to collection of economic census data. The Census Bureau invites public comment on these matters and welcomes constructive criticism of its plans to conduct a 1992 Census of Transportation, Communications, and Utilities.

The Census Bureau is making preliminary plans for covering these industries in the 1992 Economic Censuses and is developing questionnaires for that purpose. The proposed pretest is an essential step in performing a rigorous evaluation of these questionnaires and related collection methods. The Census Bureau will mail pretest questionnaires to a probability sample of establishments in the subject industries. This sample will provide, with measurable statistical reliability, preliminary information that is needed for effective planning of the economic censuses.

Copies of the proposed forms and a description of the collection methods are available upon request to the Director, Bureau of the Census, Washington, DC 20233.

Dated: February 27, 1990.

Barbara Everitt Bryant,

Director, Bureau of the Census.

[FR Doc. 90-4865 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-07-M

Bureau of Export Administration

Automated Manufacturing Equipment, Technical Advisory Committee; Partially Closed Meeting

A meeting of the Automated Manufacturing Equipment Technical Advisory Committee will be held March 29 and 30, 1990, in the Herbert C. Hoover Building, Room 1617F, 14th & Pennsylvania Avenue, NW., Washington, DC. The General Session of the meeting will convene at 1 p.m. on March 29, 1990. The meeting will reconvene in Executive Session at 8:30 a.m. on March 30. The Committee advises the Office of Technology and Policy Analysis with respect to technical questions that affect the level of export controls applicable to automated manufacturing equipment and related technology.

Agenda

General Session: March 29, 1990—1 p.m.

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Report on Joint Factory Communications and Computer Subcommittee.
4. Foreign availability review.
5. Discussion of the following ECCN's:
 - 1091 (Numerical control equipment)
 - 1088 (Gear making or finishing machinery)
 - 1399 ("Software" and technology for "automatically controlled industrial systems")
 - 1391 ("Robots", "robot" controllers and "robot" "end-effectors")
 - 1371 (Anti-friction bearings)
 - 1080 (Specially designed equipment, tooling and fixtures for the manufacture or measuring of gas turbine blades or vanes)
 - 1081 (Specially designed or modified equipment, tools, dies, molds and fixtures for the manufacture or inspection of aircraft, airframe structures or aircraft fasteners)
 - 1086 (Specially designed or modified equipment, tools, dies, molds, fixtures and gauges for the manufacture or inspection of aircraft and aircraft-derived gas turbine engines)
 - 1532 (Precision linear and angular measuring systems and specially designed components).

Executive Session: March 30, 1990—8:30 a.m.

6. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The General Session of the meeting will be open to the public and a limited number of seats will be available. To the extent that time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting. However, to facilitate distribution of public presentation materials to the Committee members, the Committee suggests that presenters forward the public presentation materials two weeks prior to the meeting date to the following address: Lee Ann Carpenter, Technical Support Staff, OTPA/BXA, Room 4069A, U.S. Department of Commerce, 14th & Pennsylvania Ave., NW., Washington, DC 20230.

The Assistant Secretary for Administration, with the concurrence of the General Counsel, formally determined on January 5, 1990, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended, that the series of meetings of the Committee and of any Subcommittees thereof, dealing with the classified materials listed in 5 U.S.C. 552b(c)(1) shall be exempt from the provisions relating to public meetings found in section 10 (a)(1) and (a)(3), of the Federal Advisory Committee Act. The remaining series of meetings or portions thereof will be open to the public.

A copy of the Notice of Determination to close meetings or portions of meetings of the Committee is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Washington, DC 20230. For further information or copies of the minutes, contact Lee Ann Carpenter on (202) 377-2583.

Dated: February 7, 1990.

Betty Anne Ferrell,

Director, Technical Advisory Committee Unit.

[FR Doc. 90-4953 Filed 03-2-90; 8:45 am]

BILLING CODE 3510-DT-M

Foreign-Trade Zones Board

(Docket 7-90)

Foreign-Trade Zone 138—Franklin County, OH; Application for Subzone; Wascator Washing Machine Plant, Richwood, OH

An application has been submitted to the Foreign-Trade Zones Board (the Board) by the Rickenbacker Port Authority, grantee of FTZ 138, requesting special-purpose subzone status at the commercial washing machine plant of Wascator

Manufacturing Company located in the Village of Richwood, Union County, Ohio, adjacent to the Columbus Customs port of entry. Wascator is a division of White Consolidated Industries, Inc., a subsidiary of AB Electrolux of Sweden. The application was submitted pursuant to the provisions of the Foreign-Trade Zones Act, as amended (19 U.S.C. 81a-81u), and the regulations of the Board (15 CFR part 400). It was formally filed on February 16, 1990.

The Wascator plant (5 acres) is located at 200 West Ottawa Street (State Route 47) in Richwood, some 30 miles northwest of Columbus. The facility, a renovated plant once operated by Tappan, will be used to produce commercial washing machines. The products will displace Electrolux shipments from abroad. The company will initially use foreign-sourced components such as fabricated metal cabinet parts, electric motors, pumps, valves, timers, relays, wiring harnesses, door locks, clamps, fasteners, and certain plastic and rubber parts. While there will be a high level of foreign sourcing at the outset, domestic sourcing will gradually increase over a 10-year period.

Zone procedures would exempt Wascator from Customs duty payments on the foreign materials used in machines that are exported. On its domestic sales, the company would be able to choose the duty rate that applies to finished washing machines (2.8%), whereas the duty rate for components averages 5.1 percent. The applicant indicates that zone savings will help the plant's international competitiveness.

In accordance with the Board's regulations, an examiners committee has been appointed to investigate the application and report to the Board. The committee consists of: Dennis Puccinelli (Chairman), Foreign-Trade Zones Staff, U.S. Department of Commerce, Washington, DC 20230; John F. Nelson, District Director, U.S. Customs Service, Northeast Region, 6th Floor, Plaza Nine Building, 55 Erieview Plaza, Cleveland, OH 44114; and, Colonel Thomas E. Farewell, District Engineer, U.S. Army Engineer District Huntington, 502 Eight Street, Huntington, WV 25701.

Comments concerning the proposed subzone are invited in writing from interested parties. They should be addressed to the Board's Executive Secretary at the address below and postmarked on or before April 10, 1990.

A copy of the application is available for public inspection at each of the following locations:

Port Director's Office, U.S. Customs Service, 4600 17th Avenue, Room 221, Columbus, OH 43219.
Office of the Executive Secretary, Foreign-Trade Zones Board, U.S. Department of Commerce, Room 2835, 14th & Pennsylvania Avenue, NW., Washington, DC 20230.

Dated: February 23, 1990.

John J. Da Ponte, Jr.,
Executive Secretary.

[FR Doc. 90-4903 Filed 03-02-90; 8:45 am]

BILLING CODE 3510-DS-M

International Trade Administration

[A-570-802]

Preliminary Determination of Sales at Less Than Fair Value: Industrial Nitrocellulose from the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that imports of industrial nitrocellulose from the People's Republic of China (PRC) are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from the PRC, as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by May 14, 1990.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Joel Fischl, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-2613 or (202) 377-3003, respectively.

SUPPLEMENTAL INFORMATION:

Preliminary Determination

We preliminarily determine that imports of industrial nitrocellulose from the PRC are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since publication of the notice of initiation on October 17, 1989, (54 FR 42535), the following events have occurred. On November 3, 1989, the ITC determined that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from the PRC of industrial nitrocellulose (USITC Pub. No. 2231, November 1989).

On November 27, 1989, the Department's questionnaire was presented to China North Industries Corporation (NORINCO). This manufacturer accounts for a substantial portion of exports of the subject merchandise to the United States during the period of investigation (POI).

On November 29, 1989, the respondent requested an extension to respond to the Department's questionnaire. An extension was granted, giving respondent until December 22, 1989 to respond to section A. Responses to the remaining sections of the questionnaire were due on January 5, 1990. On December 7, 1989, the Embassy of the PRC submitted a letter notifying the Department that NORINCO did not intend to reply to the Department's questionnaire.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered or withdrawn from warehouse for consumption on or after this date will be classified solely according to the appropriate HTS subheadings. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Industrial nitrocellulose is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent which is produced from the reaction of cellulose with nitric acid. Industrial nitrocellulose is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. Industrial nitrocellulose is currently provided for under HTS subheading 3912.20.00. Prior to January 1, 1989, industrial nitrocellulose was classifiable under item 445.25 of the *Tariff Schedules of the United States Annotated* (TSUSA). The scope of this investigation does not include explosive

grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

Period of Investigation

The period of investigation is April 2, 1989 through September 30, 1989.

Fair Value Comparisons

To determine whether sales of industrial nitrocellulose from the PRC to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. We used best information available as required by section 776(c) of the Act because NORINCO failed to respond to the Department's requests for information. We determined that the best information available was information submitted by the petitioner.

United States Price

Petitioner's estimate of USP for industrial nitrocellulose is based upon the average c.i.f. unit value of cellulose nitrate imports from the PRC, as reported in the U.S. Census Bureau IM-145 report for May 1989. Petitioner made adjustments to the unit price for estimated movement charges.

Foreign Market Value

Petitioner alleges that the PRC is a nonmarket economy country within the meaning of section 773(c) of the Act. Accordingly, petitioner based FMV on constructed value calculated from factors of production valued in a market economy country (i.e., Thailand) at a comparable level of economic development to the PRC. In its calculation, petitioner added amounts for factory overhead, general expenses and packing based on petitioner's costs. Petitioner also added the statutory minimum eight percent of the sum of its own general expenses and manufacturing cost for profit.

Verification

Since NORINCO did not furnish a response to the questionnaire, we will not conduct a verification.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from the PRC, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after March 5, 1990. The U.S. Customs service shall require a cash deposit or posting of

a bond equal to the estimated preliminary dumping margin, as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
China North Industries Corporation ...	78.40
All others	78.40

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with § 353.38 of the Commerce Department's regulations, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than March 29, 1990, and rebuttal briefs no later than April 5, 1990. In accordance with § 353.38(b) of the Department's regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held at 10 a.m. on April 9, 1990, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Interested parties who wish to participate in the hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099 within 10 days of March 5, 1990. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with § 353.38(b) of the Department's regulations, oral presentations will be limited to arguments raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. section 1673b(f)).

Dated: February 26, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-4908 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-580-805]

Preliminary Determination of Sales at Less Than Fair Value: Industrial Nitrocellulose From the Republic of Korea

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that imports of industrial nitrocellulose from the Republic of Korea (ROK) are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from the ROK, as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by May 14, 1990.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Joel Fischl, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-2613 or (202) 377-3003, respectively.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that imports of industrial nitrocellulose from the ROK are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since publication of the notice of initiation on October 17, 1989, (54 FR 42537), the following events have occurred. On November 3, 1989, the ITC

determined that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from the ROK of industrial nitrocellulose (USITC Pub. No. 2231, November 1989).

On November 27, 1989, the Department's questionnaire was presented to Miwon Co., Ltd. (Miwon). This manufacturer accounts for a substantial portion of exports of the subject merchandise to the United States during the period of investigation (POI).

On December 22, 1989, the respondent notified the American Embassy in Seoul that it would be unable to respond to the Department's questionnaire by the due date. The Department has received no extension request or any other correspondence from the respondent since the December 22, 1989 letter.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered or withdrawn from warehouse for consumption on or after this date will be classified solely according to the appropriate HTS subheadings. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Industrial nitrocellulose is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent which is produced from the reaction of cellulose with nitric acid. Industrial nitrocellulose is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. Industrial nitrocellulose is currently provided for under HTS subheading 3912.20.00. Prior to January 1, 1989, industrial nitrocellulose was classifiable under item 445.25 of the *Tariff Schedules of the United States Annotated* (TSUSA). The scope of this investigation does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

Period of Investigation

The period of investigation is April 1, 1989 through September 30, 1989.

Fair Value Comparisons

To determine whether sales of industrial nitrocellulose from the ROK to

the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. We used best information available, as required by section 776(c) of the Act, because Miwon failed to respond to the Department's requests for information. We determined that the best information available was information submitted by the petitioner.

United States Price

Petitioner's estimate of USP for industrial nitrocellulose is based upon the average c.i.f. unit value of cellulose nitrate imports from the ROK, as reported in the U.S. Census Bureau IM-145 report for May 1989. Petitioner made adjustments to the unit price for estimated movement charges.

Foreign Market Value

Petitioner's FMV for industrial nitrocellulose is based on foreign manufacturers' price quotes to Korean customers, as determined by petitioner's market research. Petitioner deducted movement charges from the FMV and made circumstance of sale adjustments for differences in credit.

Verification

Since Miwon did not furnish a response to the questionnaire, we will not conduct a verification.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from the ROK, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after March 5, 1990. The U.S. Customs service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margin, as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
Miwon Co., Ltd.	66.30
All others	66.30

ITC Notification

In accordance with section 732(d) of the Act, we have notified the ITC of our determination. In addition, we are

making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information either publicly or under administrative protective order without the written consent of the Deputy Assistant Secretary for Investigations.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with § 353.38 of the Commerce Department's regulations, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than March 28, 1990, and rebuttal briefs no later than April 4, 1990. In accordance with § 353.38(b) of the Department's regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held at 2 p.m. on April 6, 1990, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Interested parties who wish to participate in the hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099 within 10 days of March 5, 1990. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with § 353.38(b) of the Department's regulations, oral presentations will be limited to arguments raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C 1673b(f)).

Dated: February 26, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-4909 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-570-003]

Shop Towels of Cotton From the People's Republic of China; Final Results of Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice of final results of antidumping duty administrative review.

SUMMARY: On May 18, 1989, the Department of Commerce published the preliminary results of its administrative review of the antidumping duty order on shop towels of cotton from the People's Republic of China. The review covers three exporters and four third-country resellers and the period October 1, 1986 through September 30, 1987.

We gave interested parties an opportunity to comment on the preliminary results. Based on our analysis of comments received, the final results for certain firms are changed from those presented in the preliminary results.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Michael Rill or Maureen Flannery, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2923.

SUPPLEMENTARY INFORMATION:

Background

On May 18, 1989, the Department of Commerce (the Department) published in the *Federal Register* (54 FR 21454) the preliminary results of its administrative review of the antidumping duty order on shop towels of cotton from the People's Republic of China (PRC) (48 FR 45277, October 4, 1983). The Department has now completed that administrative review in accordance with section 751 of the Tariff Act of 1930 (the Tariff Act).

Scope of the Review

Imports covered by this review are shipments of cotton shop towels. During the review period, cotton shop towels were classifiable under item 366.2840 of the Tariff Schedules of the United States Annotated (TSUSA). This merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item 6307.10.20. The HTS and TSUSA item numbers are provided for convenience and Customs purposes. The written description remains dispositive.

The review covers three exporters and four third-country resellers and the period October 1, 1986 through September 30, 1987.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received timely comments from the petitioner, Milliken & Co., and from one respondent, China National Arts & Crafts Import & Export Corp. (CNART). At the request of the petitioner, we held a public hearing on July 5, 1989.

Comment 1: The petitioner argues that the Department should use as best information available (BIA) for unresponsive firms a rate that takes into account the drop in PRC export prices to the United States, rather than a rate from the previous review. The Department's import data show that PRC exporters reduced export prices to allow importers to absorb the increase in antidumping duties that resulted from the first administrative review and resell the towels in the United States without any change in the resale price. Application of rates from an earlier review, therefore, would allow unresponsive firms to benefit from their failure to cooperate, a result clearly at odds with the purpose of using the BIA provision.

As BIA, the Department should use a U.S. price of 3.8 cents per 18 inch x 18 inch towel, the lowest customs value for shop towels from the PRC during the review period, and a foreign market value (FMV) of 12 cents per towel, the same FMV adopted by the Department in its first administrative review.

Department's Position: We agree in part. As we stated in the final results of the first administrative review in this case (50 FR 28020, June 24, 1985), we generally regard the best information rule as a rule of adverse inference. Accordingly, we generally apply an adverse BIA rate to unresponsive firms. When evidence suggests that an unresponsive firm may be dumping at a rate greater than the rate applied following our standard rules for determining BIA, it may be appropriate to rely on other information as BIA. In this instance, Census data confirm the amount the petitioner claims was the lowest unit import value of towels imported into the United States during the period of review. Therefore, we have used this amount as U.S. price for these final results.

We do not, however, consider an FMV from an earlier period to be the best information available for determining FMVs in this review. Rather, the best information available for FMVs for sales by unresponsive companies consists of the import prices from a surrogate country (Hong Kong) during the review period. We compared the U.S. price

based on applicable Census data to an FMV based on contemporaneous import prices from the surrogate country as BIA for determining the rate for Chinatex and China National Native Produce, the two unresponsive firms.

Comment 2: The petitioner argues that the Department should not rely on customs values of U.S. imports of shop towels from third countries as the basis of foreign market value for CNART, because the U.S. import prices of shop towels from third countries were heavily influenced by unfairly traded imports from the PRC and other countries. Basing the foreign market value of PRC exports on the export prices of competing third-country suppliers effectively permits the PRC to reduce its dumping margin by depressing the prices of those third-country suppliers. In addition, the Department excluded many potential surrogates because those countries were themselves engaged in unfair trading practices, making it clear that the majority of imports competing with imports from the selected surrogates were either dumped or subsidized.

Since shop towels sell primarily on the basis of price, prices of exports from the selected supplier countries must be directly affected by the prices of unfairly traded goods from other countries, especially since neither country has a significant home market for such towels.

Department's Position: We disagree that import prices from third countries are an inappropriate basis of FMV because of alleged price depression by unfair trade. Dumped merchandise from the PRC does not depress overall U.S. market prices as long as the effect of such unfairly traded merchandise is offset by deposits of estimated antidumping duties and the ultimate assessment of antidumping duties. Furthermore, the petitioner has presented no evidence that demonstrates a link between depression of market prices and dumping of Chinese shop towels.

With respect to the alleged price depression caused by the unfair pricing practices of third countries, the only countries known to be exporting shop towels to the United States at unfair prices are Pakistan and Sri Lanka, whose exports we have determined benefit from countervailable subsidies. Unfair prices of shop towels from those countries, however, do not depress overall U.S. market prices because the subsidies are offset by countervailing duties.

There is no evidence on the record that merchandise from other surrogate countries is unfairly traded.

Comment 3: The petitioner argues that the Department cannot use either Bangladesh or Hong Kong as a surrogate because evidence suggests that neither produces shop towels. So-called Bangladeshi shop towels are probably transshipped Pakistani shop towels. The Customs Service determined that cotton shop towels produced in Pakistan were transshipped through Bangladesh between December 1985 and November 1986. With regard to Hong Kong, the Department found during the initial investigation in this case that there was no local shop towel production and in the first administrative review that it was inappropriate to use Hong Kong exports to the United States as the basis of FMV.

Department's Position: We agree that Bangladesh is not an appropriate surrogate for this review period, but we disagree that Hong Kong is an inappropriate surrogate. The determination of the Customs Service that there were transshipments of Pakistani shop towels through Bangladesh during the review period leads us to suspect the accuracy of the data concerning imports from Bangladesh during this period. Therefore, we have excluded Bangladesh as a surrogate for these final results.

However, there is not sufficient evidence to cause us to reject the import data concerning imports from Hong Kong. Conclusions reached by the Department concerning shop-towel production in Hong Kong in an earlier period do not persuade us that the import data for this review period are incorrect. Even if there were no production in Hong Kong in an earlier period, this does not preclude production in the current period. We also find it inappropriate to reject Hong Kong exports because of our determination that Hong Kong exports to the United States were not an appropriate basis for FMV in the first administrative review. Neither the public record of that previous review nor the record of this review contain any evidence that suggests Hong Kong is an inappropriate surrogate for this review period. The petitioner has provided no evidence that the Census data are unreliable or that such export prices are otherwise an inappropriate basis of FMV. Therefore, we have used prices of imports from Hong Kong as the basis of FMV.

Comment 4: The petitioner argues that the U.S. import prices used as the basis of FMV are below any reasonable

estimate of total production costs. The import prices used are less than both the petitioner's production costs and the petitioner's estimate of costs incurred by the exporters.

Department's Position: An allegation, submitted by the petitioner prior to publication of the preliminary results of the review, that import prices are below cost of production was insufficient because the petitioner submitted no evidence supporting the allegation. The petitioner indicated that information substantiating its claim would be provided when the Department selected a surrogate. However, the petitioner's information was untimely submitted. The petitioner did not provide supporting information until after publication of the preliminary results, even though the record of the Department's selection of potential surrogates from which to solicit information was contained in the public file. In addition, the cost estimate presented in the petitioner's brief is inadequate because, for example, it provides no substantiation for its claim that towel fabrication costs are at least 150 percent of the yarn cost and no explanation of why the cost estimate is based on the Taiwanese price for cotton yarn with a waste component. Finally, the petitioner failed to take into account such factors as differences in wage rates.

Comment 5: The petitioner contends that the use of customs values of third-country exports to the United States as a basis for FMV is not permitted by the statute or the Department's regulations. Section 773(c) of the Tariff Act requires the use of "prices" and not declared customs values.

Department's Position: We disagree. Customs values are the prices of imports into the United States. These values are usually determined by reference to invoice prices of entered merchandise. The Department has frequently relied on prices of exports to the United States when, as here, it has sought, but been unable to obtain, other data. (See, for example, Porcelain-on-Steel Cooking Ware from the People's Republic of China, 51 FR 36419, October 10, 1986; Steel Wire Nails from the People's Republic of China, 51 FR 10247, March 25, 1986; and Petroleum Wax Candles from the People's Republic of China, 51 FR 25085, July 10, 1986).

Comment 6: The petitioner argues that foreign market value should be based on U.S. producer prices or costs. Section 773(c) of the Tariff Act (prior to amendment by the Omnibus Trade and Competitiveness Act of 1988, which does not apply to this review) provides that FMV must be determined by

reference to the price or constructed value of such or similar merchandise made in a non-state-controlled-economy country, either for domestic consumption or for export. The petitioner claims that, since the United States is such a country, by regulation the Department must use U.S. producer prices or costs if prices or costs in other market-economy countries do not provide an "adequate" basis for FMV. No acceptable prices or costs from countries other than the United States have been provided, but the Department has U.S. producer price data. These were submitted during the first administrative review but also accurately reflect U.S. market prices during this review period.

As an alternative, the Department could also use the petitioner's costs as the basis of a constructed value.

Department's Position: We disagree. Section 353.8(b)(2) of the applicable Commerce regulations (19 CFR 353.8(b)(2) (1988)) states: "If no non-state-controlled-economy country of comparable economic development can be identified, then the prices or constructed value as determined from another non-state-controlled-economy country or countries *other than the United States* shall be used * * *" (emphasis added). Such information is available and provides an adequate basis for determining FMV (see responses to comments 2, 3, 4, and 5). Accordingly, we based FMV on export prices from Hong Kong rather than the prices or constructed value of such or similar merchandise in the United States.

Comment 7: The petitioner argues that if the Department is unwilling to rely on U.S. producer prices or costs, the Department should renew its effort to collect factor-price data. Information concerning relevant prices for yarn, textile labor, energy, and other factors of production are readily available, and the petitioner will provide any pricing data the Department may need.

Department's Position: We attempted to value the PRC factors of production but were unable to obtain adequate data in a reasonable time. Not finding such data, we examined other information available to us, U.S. import statistics, and determined that the export prices from a surrogate country were suitable. Therefore, we used this information as the basis of FMV.

Parties to a proceeding have the opportunity to submit any information or comments which those parties believe the Department should consider in its determination, so long as that information or those comments are

properly and timely submitted. We generally do not accept information submitted after publication of the preliminary results. The petitioner submitted its information after publication of the preliminary results.

Comment 8: The petitioner argues that if the Department insists on using third-country export prices as the basis of FMV, it should use Hong Kong export values dating from a period before the PRC began to dominate the shop towel market, such as 1979-83. Neither the Tariff Act nor the Department's regulations limit the period of third-country export prices used to determine FMV.

Department's Position: We disagree. Section 773(c) of the Tariff Act provides that when foreign market value is determined on the basis of prices of a non-state-controlled-economy country or countries, such prices are to be "determined in accordance with subsection (a) of [section 773]." Subsection (a), in turn, provides that "[t]he foreign market value of imported merchandise shall be the price, at the time such merchandise is first sold within the United States" to an unrelated party. Accordingly, we must use prices that are contemporaneous with the U.S. sales reviewed. Import prices during the review period are more appropriate than are prices of 1983 and earlier.

Comment 9: CNART argues that the Department's calculation of foreign market value is contrary to § 353.8 of the Commerce regulations because the Department improperly excluded prices of exports to the United States from comparable non-state-controlled-economy countries. Imports from several of the potential surrogate countries that were rejected because the Department determined they confer export subsidies—India, Indonesia, the Philippines and Thailand—in fact are not subject to a countervailing duty (CVD) order on cotton shop towels or even the broader category of textiles. Two other comparable countries, Sri Lanka and Pakistan, are the subject of CVD orders on textiles, but export prices from these countries could still be used by simply adding the respective subsidy amounts to the export prices as the Department did in its final determination on Certain Small Diameter Welded Carbon Steel Pipes and Tubes from the People's Republic of China (51 FR 25078, July 10, 1986).

The Department further improperly excluded six additional comparable countries for similar reasons. Two of these countries, El Salvador and Korea, however, have not been the subject of any CVD investigation involving

textiles. The CVD investigation involving textiles from Malaysia resulted in a negative determination, and the Department terminated its CVD investigation of textiles from Turkey upon withdrawal of the petition. Finally, the respective subsidy rates on textiles from Mexico and Peru could be factored into export prices from these countries. Hence, none of these comparable countries should be disregarded as surrogates.

Department's Position: We disagree. It is the Department's general practice when using prices of U.S. imports to disregard imports from certain countries in determining foreign market value because of the possibility that such imports are benefitting from export subsidies. (See, for example, Steel Wire Nails from the People's Republic of China, 51 FR 10247, March 25, 1986 and Porcelain-on-Steel Cooking Ware from the People's Republic of China, 51 FR 36519, October 10, 1986.) In accordance with this practice, we excluded those countries which the Department has found to have subsidy programs which are potentially available to shop towel exporters. Although CNART correctly notes that several of the potential surrogate countries are not now subject to any CVD order on textiles or cotton shop towels, such orders are only one indicator of possible export subsidies. Non-product-specific export subsidies involving other products may also be available to exporters of shop towels.

We also disagree that it is appropriate in this review to use prices from Sri Lanka or Pakistan with an adjustment compensating for the rates of subsidization. We generally prefer not to use this approach because the rate of subsidization is often uncertain. In this instance, for example, there has been no administrative review of the relevant CVD orders relating to Sri Lanka and Pakistan covering the same period. Therefore, we do not know the actual rates of subsidization in those countries with respect to shop towels during the review period. The circumstances in Pipes and Tubes, which led the Department to deviate from its usual practice in that instance, were different than the circumstances in this review. In Pipes and Tubes, the surrogate country, Argentina, was the most appropriate one for several reasons. It was the most comparable among possible surrogates, had exports of pipes and tubes which offered the greatest degree of product match to pipes and tubes from the PRC, and was the only possible surrogate not subject to a voluntary restraint agreement (VRA). In this review, since possible surrogates more comparable than Hong Kong do not also have

advantages in product comparability and non-VRA status, there is no compelling reason to rely on countries that potentially provide export subsidies.

Comment 10: CNART argues that the Department improperly combined in its calculation of FMV export prices to the United States from Hong Kong, a noncomparable country, with those from Bangladesh, a comparable country. The Department rejected Hong Kong as a surrogate in the first administrative review in this case and in other antidumping cases. As the Department stated in its final determination on Porcelain-On-Steel Cooking Ware from the People's Republic of China (50 FR 26021, June 24, 1985), Hong Kong is not at a level of economic development comparable to that of the PRC.

Department's Position: We have based FMV on prices of imports from Hong Kong and excluded prices of imports from Bangladesh (see response to comment 3). The Commerce regulations provide for the use of prices from noncomparable countries when necessary. Section 353.8(b) of the Commerce regulations (19 CFR 353.8 (1988)) states that prices or costs used to determine the FMV of merchandise from state-controlled-economy countries "shall be determined, to the extent possible, from the prices or costs in a non-state-controlled-economy country or countries at a stage of economic development comparable to the state-controlled-economy country from which the merchandise is exported * * *". If no non-state-controlled-economy country of comparable economic development can be identified, then the prices or constructed value as determined from another non-state-controlled-economy country or countries other than the United States shall be used * * *". Therefore, we relied on export prices from Hong Kong in the absence of information from a country at a comparable level of economic development.

Comment 11: CNART contends that certain procedural irregularities prejudiced its ability to participate meaningfully in this proceeding. Certain documents were not promptly available in the public file, and the Department did not provide "guidance" or respond to various communications by counsel regarding the selection or status of a surrogate country (e.g., counsel's request that the Department send surrogate questionnaires to Turkish manufacturers). More importantly, counsel for CNART was not provided any information pursuant to its applications for release of proprietary

information under administrative protective order (APO). This amounts to "an attempt to freeze CNART's counsel out of the proceeding."

Department's Position: CNART's ability to participate in this segment of the proceeding was not materially impaired by any of the alleged "procedural irregularities." While certain communications received by the Department shortly before publication of the preliminary results were not made available to counsel until the disclosure conference, these documents had no bearing on CNART's ability to propose or comment on the Department's selection of an appropriate surrogate or surrogates. On the contrary, CNART did in fact comment on potential surrogates, and all actions by the Department with respect to obtaining surrogate information were documented in the public file.

CNART's reference to the Department's lack of "guidance" and the Department's reluctance to respond to inquiries confuses the proper disclosure of factual information with the improper indication of future Department decisions. While we accepted and considered all of CNART's comments with respect to selection of a surrogate and made available in the public record documentation of all Department activities relating to our search for surrogate information, it would not have been appropriate to speculate on the Department's ultimate response to CNART's comments, nor was the Department obligated to respond to those comments before publication of the preliminary results. That the Department had not sent surrogate questionnaires to Turkish manufacturers on or before the date of any of counsel's inquiries was clearly reflected by the absence of such communication in the public file (and, contrary to CNART's assertion, acknowledged by the Department when counsel inquired). However, while we ultimately did not accept CNART's recommendation, neither did we wish to preclude this possibility prematurely. Accordingly, whether the Department would at any time in this segment of the proceeding seek information from Turkey was a decision the Department appropriately reserved and rendered as part of the preliminary and final results.

Finally, CNART's assertion that counsel was not provided proprietary information under APO in an attempt "to freeze CNART's counsel out" is unfounded. The only proprietary information releasable to CNART's counsel pursuant to counsel's APO applications was submitted to the

Department on June 20, 1989. That information was released to CNART's counsel on June 22, 1989.

Final Results of the Review

Based on our analysis, the final results of the review for certain firms are changed from those presented in the preliminary results, and we determine that the following margins exist for the period October 1, 1986 through September 30, 1987:

Exporter/third-country reseller	Margin (Percent)
China National Arts and Crafts Import and Export Corp. (CNART).....	32.12
China National Arts and Crafts, Tianjin (CNART Tianjin).....	32.12
CNART/Cuisinere.....	37.20
CNART/Fabric Enterprise.....	37.20
China National Textiles Import and Export Corp. (Chinatex).....	122.81
Chinatex/Trans-Atlantic Sales.....	66.00
China National Native Produce and Animal By-Products Import and Export Corp.	122.81
China Resources Transportation.....	(?)

¹ No shipments during the period; rate is from last review in which there were shipments.

² Not a known exporter or reseller.

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. For CNART, individual differences between United States price and foreign market value may vary from the percentage stated above. The Department will issue appraisal instructions directly to the Customs Service.

Further, as provided in section 751(a)(1) of the Tariff Act, a cash deposit of estimated antidumping duties based on the above margins shall be required for shipments from these firms. For any future entries of this merchandise from a new exporter, whose first shipments occurred after September 30, 1987 and who is unrelated to any reviewed firm or any previously reviewed firm, a cash deposit of 32.12 percent shall be required. These deposit requirements are effective for all shipments of Chinese shop towels of cotton entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and will remain in effect until the final results of the next administrative review.

This administrative review and notice are in accordance with section 751(a)(1) of the Tariff Act (19 U.S.C. 1675(a)(1)) and § 353.22 of the Commerce regulations (19 CFR 353.22 (1989)).

Dated: February 20, 1990.

Lisa B. Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-4911 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-588-068]

Steel Wire Strand for Prestressed Concrete From Japan; Initiation and Preliminary Results of Changed Circumstances Antidumping Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of initiation and preliminary results of changed circumstances antidumping duty administrative review.

SUMMARY: The Department of Commerce has received information sufficient to warrant initiation of a changed circumstances administrative review of the antidumping finding on steel wire strand for prestressed concrete ("strand") from Japan. Based on this information we preliminarily determine that the discontinuance issued to Kawatetsu Wire Products Co., Ltd. (Kawatetsu) applies to Kawasaki Steel Techno-Wire (KSTW), which will be created after Kawatetsu's liquidation. It is the Department's opinion that since (1) Kawatetsu will no longer exist as a corporate entity and (2) Kawasaki Steel Corporation (KSC) will maintain a controlling ownership in KSTW as KSC currently maintains in Kawatetsu, the corporate restructuring will have no practical effect on the status quo other than to designate KSTW as the successor company to Kawatetsu.

Interested parties are invited to comment on these preliminary results.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Richard Rimlinger, Office of Antidumping Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-4195/2923.

SUPPLEMENTARY INFORMATION:

Background

On December 8, 1978, the Department of the Treasury published in the *Federal Register* (43 FR 57599) an antidumping finding on strand from Japan. The Treasury Department issued a "discontinuance" to Kawatetsu which effectively excluded Kawatetsu's strand shipments from the scope of the finding.

Kawatetsu intends to sell its strand business to KSTW. Kawatetsu contends that this sale will have no effect on the commercial activity of the new company (KSTW) relative to that of the prior company (Kawatetsu) since Kawatetsu will thereafter be liquidated. Kawasaki Steel Corporation currently owns the majority interest in Kawatetsu, and will own the majority interest in KSTW. On September 19, 1989, Kawatetsu requested that we make its "discontinuance" effective as to KSTW which Kawatetsu contends will be its successor company.

Scope of the Review

Imports covered by the review are shipments of steel wire strand, other than alloy steel, not galvanized, which are stress-relieved and suitable for use in prestressed concrete. During the review period such merchandise was classifiable under *Tariff Schedules of the United States Annotated* item number 642.1120. Such merchandise is currently classifiable under Harmonized Tariff Schedule (HTS) item number 7312.10.30.15. The HTS item number is provided for convenience and Customs purposes. The written description remains dispositive.

Initiation and Preliminary Results of Review

Kawasaki Steel Corporation owned a controlling interest in Kawatetsu, and will own a controlling interest in KSTW. Moreover, KSTW will continue to engage in the same commercial activity (the manufacture and sale of strand) as Kawatetsu had previously. We, therefore, determine that KSTW will qualify as the successor company to Kawatetsu.

As a result of our review, we preliminarily determine that the "discontinuance" issued to Kawatetsu is applicable to KSTW. Prior to issuing our final results of review, we intend to collect documentation from KSTW substantiating that Kawatetsu does indeed sell its strand business to KSTW in the manner described in Kawatetsu's September 19, 1989 letter.

Interested parties may request disclosure and/or an administrative protective order within 5 days of the date of March 5, 1990, and may request a hearing within 10 days of March 5, 1990. Any hearing, if requested, will be held 44 days after the date of publication, or the first workday thereafter. Prehearing briefs and/or written comments from interested parties may be submitted not later than 30 days after the date of publication. Rebuttal briefs and rebuttals to written comments, limited to issues raised in those comments, may be

filed not later than 37 days after the date of publication. The Department will publish the final results of the review, including the results of its analysis of any written or oral comments.

This initiation of review and notice are in accordance with section 751(b) of the Tariff Act of 1930, as amended, 19 U.S.C. 1675(b), and 19 CFR 353.22(f)(4).

Dated: February 23, 1990.

Lisa Barry,

Acting Assistant Secretary for Import Administration.

[FR Doc. 90-4912 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-351-804]

Preliminary Determination of Sales at Less Than Fair Value: Industrial Nitrocellulose From Brazil

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that imports of industrial nitrocellulose from Brazil are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from Brazil, as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by May 14, 1990.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Louis Apple, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-2613 or (202) 377-1769, respectively.

SUPPLEMENTAL INFORMATION:

Preliminary Determination

We preliminarily determine that imports of industrial nitrocellulose from Brazil are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since publication of the notice of initiation on October 17, 1989, (54 FR 42533), the following events have occurred. On November 3, 1989, the ITC determined that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Brazil of industrial nitrocellulose (USITC Pub. No. 2231, November 1989).

On November 3, 1989, the Department presented its questionnaire to counsel for Companhia Nitro Quimica Brasileira (Nitro Quimica). This manufacturer accounted for 100 percent of exports of the subject merchandise to the United States during the period of investigation.

Nitro Quimica submitted replies to our questionnaire on November 22 and December 22, 1989. We sent Nitro Quimica letters outlining deficiencies in their responses on November 29 and 30, 1989, and on January 3, 1990. Replies to our deficiency notices were submitted on December 13, 1989, and on January 17 and 22, 1990.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered or withdrawn from warehouse for consumption on or after this date will be classified solely according to the appropriate HTS subheadings. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Industrial nitrocellulose is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent which is produced from the reaction of cellulose with nitric acid. Industrial nitrocellulose is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. Industrial nitrocellulose is currently provided for under HTS subheading 3912.20.00. Prior to January 1, 1989, industrial nitrocellulose was classifiable under item 445.25 of the *Tariff Schedules of the United States Annotated* (TSUSA). The scope of this investigation does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

Period of Investigation

The period of investigation is April 1, 1989 through September 30, 1989.

Such or Similar Comparisons

For the purposes of this investigation we have determined that all industrial nitrocellulose comprises a single category of such or similar merchandise. Product comparisons were made on the basis of the following criteria which are ranked in order of importance: (1) Nitrogen percentage, (2) viscosity rating, (3) wetting agent type, (4) cellulose source, (5) physical form, and (6) wetting agent percent.

Where there were no sales of identical merchandise in the home market with which to compare merchandise sold in the United States, sales of the most similar merchandise were compared on the basis of the characteristics described above. We made adjustments for differences in the physical characteristics of the merchandise in accordance with section 773(a)(4)(C) of the Act.

Fair Value Comparisons

To determine whether sales of industrial nitrocellulose from Brazil to the United States were made as less than fair value, we compared the United States price to the foreign market value, as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

We based United States price on purchase price in accordance with section 772(b) of the Act because all sales were made directly to unrelated parties prior to importation into the United States. We calculated purchase price based on packed c.i.f. United States port prices. We made deductions for foreign inland freight, foreign brokerage and handling, marine insurance, and ocean freight. To partially compensate for hyperinflation in Brazil, charges for foreign inland freight and foreign brokerage and handling, which were incurred in Brazilian currency, were converted to U.S. currency using the exchange rate in effect as of the date the charges were incurred, rather than the date of the U.S. sale to which the charges pertain. In accordance with section 772(d)(1)(C) of the Act, we added to the United States price the amounts of PIS, FINSOCIAL, and IPI taxes that would have been collected on the export sale had it been subject to the tax. We computed the hypothetical amounts of these taxes added to United States price by applying the home market tax rates to a United States price net of all charges not included in the home market taxable amount.

Foreign Market Value

In accordance with section 773(a)(1)(A) of the Act, we calculated foreign market value based on home market sales. We calculated foreign market value based on packed ex-factory prices to unrelated customers in the home market. Because we determined Brazil's economy to be hyperinflationary, we calculated separate foreign market values for the effective period of each home market price list in effect during the period of investigation. Since prices were constant over each period, the use of the period average eliminates much of the distortive price effect of inflation.

In calculating foreign market value, we deducted a quantity discount where applicable, pursuant to § 353.55 of the Department's regulations (19 CFR 353.55).

We made circumstance of sale adjustments for differences in credit expense, commissions, and indirect taxes, other than the Tax on Circulation of Merchandise (ICM), pursuant to § 353.56 of the regulations (19 CFR 353.56). The ICM tax rate varies with the destination of the merchandise in the home market. Rather than make assumptions about the appropriate tax rate to apply to United States price, as best information available, we deducted the ICM tax from foreign market value and made no addition to United States price. The PIS and FINSOCIAL taxes are included in the home market price. We therefore adjusted for PIS and FINSOCIAL taxes by deducting them from the home market price and adding the hypothetical tax on the U.S. sales to both the U.S. price and the foreign market value. Because the home market prices were reported net of the IPI tax, we adjusted for the IPI tax by adding the hypothetical tax on the U.S. sale to both the U.S. price and the foreign market value.

Finally, we made an adjustment for differences in packing costs by subtracting home market packing costs from the foreign market value and adding all U.S. packing costs.

Currency Conversion

When calculating foreign market value, we normally make currency conversions in accordance with § 353.60 of our regulations (19 CFR 353.60), using the exchange rates certified by the Federal Reserve Bank of New York. Since the Federal Reserve Bank of New York stopped providing exchange rate information for Brazil prior to the period of this investigation, we used daily "selling" exchange rates published by the Bank of Brazil.

Verification

As provided in section 776(b) of the Act, we will verify all information used in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from Brazil, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after March 5, 1990. The U.S. Customs service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margin, as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
Companhia Nitro Quimica Brasileira.....	61.93
All Others.....	61.93

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with § 353.38 of the Commerce Department's regulations (19 CFR 353.38), case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than April 9, 1990, and rebuttal briefs no later than April 16, 1990. In accordance with § 353.38(b) of the Department's regulations (19 CFR 353.38(b)), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal

briefs. The hearing will be held at 9:30 a.m. on April 18, 1990, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Interested parties who wish to participate in the hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099 within 10 days of March 5, 1990. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with § 353.38(b) of the Department's regulations (19 CFR 353.38(b)), oral presentations will be limited to arguments raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. section 1673b(f)).

Dated: February 26, 1990.

Eric I. Garfinkel,
Assistant Secretary for Import
Administration.

[FR Doc. 90-4906 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-568-812]

Preliminary Determination of Sales at Less Than Fair Value: Industrial Nitrocellulose from Japan

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that imports of industrial nitrocellulose from Japan are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from Japan, as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by May 14, 1990.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Michael Ready or Joel Fischl, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-2613 or (202) 377-3003, respectively.

SUPPLEMENTAL INFORMATION:

Preliminary Determination

We preliminarily determine that imports of industrial nitrocellulose from Japan are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since publication of the notice of initiation on October 17, 1989, (54 FR 42536), the following events have occurred. On November 3, 1989, the ITC determined that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from Japan of industrial nitrocellulose (USITC Pub. No. 2231, November 1989).

On November 9, 1989, the Department's questionnaire was presented to Asahi Chemical Industry Co., Ltd. (Asahi). This manufacturer accounts for a substantial portion of exports of the subject merchandise to the United States during the period of investigation (POI).

On November 17, 1989, the respondent submitted a letter which stated it declined to respond to the Department's questionnaire.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered or withdrawn from warehouse for consumption on or after this date will be classified solely according to the appropriate HTS subheadings. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Industrial nitrocellulose is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent which is produced from the reaction of cellulose with nitric acid. Industrial nitrocellulose is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. Industrial nitrocellulose is currently provided for under HTS subheading 3912.20.00. Prior to January 1, 1989, industrial nitrocellulose was classifiable under item 445.25 of the *Tariff Schedules of the United States*

Annotated (TSUSA). The scope of this investigation does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

Period of Investigation

The period of investigation is April 1, 1989 through September 30, 1989.

Fair Value Comparisons

To determine whether sales of industrial nitrocellulose from Japan to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice. We used best information available as required by section 776(c) of the Act because Asahi failed to respond to the Department's requests for information. We determined that the best information available was information submitted by the petitioner.

United States Price

Petitioner's estimate of USP for industrial nitrocellulose is based upon the average c.i.f. unit value of cellulose nitrate imports from Japan, as reported in the U.S. Census Bureau IM-145 report for May 1989. Petitioner made adjustments to the unit price for estimated movement charges.

Foreign Market Value

Petitioner's estimate of FMV for industrial nitrocellulose is based on foreign manufacturers' price quotes to Japanese customers, as determined by petitioner's market research. Petitioner deducted movement charges from the FMV and made circumstance of sale adjustments for differences in credit and packing.

Verification

Since Asahi did not furnish a response to the questionnaire, we will not conduct a verification.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from Japan, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after March 5, 1990. The U.S. Customs service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/producer/exporter	Margin percentage
Asahi Chemical Industry Co., Ltd.	66.00
All others	66.00

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with § 353.38 of the Commerce Department's regulations, case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than March 28, 1990, and rebuttal briefs no later than April 4, 1990. In accordance with § 353.38(b) of the Department's regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held at 10 a.m. on April 6, 1990, at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Interested parties who wish to participate in the hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B-099 within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with § 353.38(b) of the Department's regulations, oral presentations will be limited to arguments raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Dated: February 26, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-4907 Filed 03-02-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-428-803]

Preliminary Determination of Sales at Less Than Fair Value: Industrial Nitrocellulose From the Federal Republic of Germany

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that imports of industrial nitrocellulose from the Federal Republic of Germany are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from the Federal Republic of Germany, as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by May 14, 1990.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: David J. Goldberger or Bradford Ward, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-4136 or (202) 377-5288, respectively.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that imports of industrial nitrocellulose from the Federal Republic of Germany are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since publication of the notice of initiation on October 17, 1989, (54 FR 42536), the following events have occurred. On November 3, 1989, the ITC determined that there is a reasonable indication that an industry in the United States is threatened with material injury

by reason of imports from the Federal Republic of Germany (FRG) of industrial nitrocellulose (USITC Pub. No. 2231, November 1989).

On November 3, 1989, the Department presented its questionnaire to counsel for Wolff Walsrode AG (Wolff). This company accounted for over 60 percent of the exports of the subject merchandise from the FRG during the period of investigation. We received questionnaire responses on November 22 and December 21, 1989.

The Department issued deficiency letters to Wolff on December 7, 1989 and January 5, 1990. We received the supplemental responses on December 21, 1989 and January 19, 1990.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered or withdrawn from warehouse for consumption on or after this date will be classified solely according to the appropriate HTS subheadings. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Industrial nitrocellulose is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent which is produced from the reaction of cellulose with nitric acid. Industrial nitrocellulose is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. Industrial nitrocellulose is currently provided for under HTS subheading 3912.20.00. Prior to January 1, 1989, industrial nitrocellulose was classifiable under item 445.25 of the *Tariff Schedules of the United States Annotated* (TSUSA). The scope of this investigation does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

Period of Investigation

The period of investigation is April 1, 1989 through September 30, 1989.

Such or Similar Comparisons

For the purposes of this investigation, we have determined that all industrial nitrocellulose comprises a single category of such or similar merchandise. Product comparisons were made on the basis of the following criteria which are

ranked in the order of importance: (1) Nitrogen percentage, (2) viscosity rating, (3) wetting agent type, (4) cellulose source, (5) physical form, and (6) wetting agent percent.

Where there were no sales of identical merchandise in the home market with which to compare merchandise sold in the United States, sales of the most similar merchandise were compared on the basis of the characteristics described above. In those instances, we made adjustments for differences in the physical characteristics of the merchandise in accordance with section 773(a)(4)(C) of the Act.

Fair Value Comparisons

To determine whether sales of industrial nitrocellulose from the FRG to the United States were made at less than fair value, we compared the United States Price to the foreign market value, as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

As provided for in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price, where the merchandise was sold to unrelated purchasers prior to importation into the United States. We calculated purchase price based on FOB U.S. port or delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for brokerage and handling, foreign inland freight, ocean freight, transit insurance, U.S. duties, U.S. Customs fees, U.S. inland freight and rebates, in accordance with section 772(d)(2) of the Act.

Where the merchandise was sold to unrelated purchasers after importation into the United States, we used exporter's sales price (ESP) to represent the United States price, as provided for in section 772(c) of the Act. We calculated ESP based on FOB warehouse or delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, brokerage and handling, ocean freight, transit insurance, U.S. duties, U.S. Customs fees, repacking, U.S. inland freight, credit expenses, rebates, and indirect U.S. selling expenses, including inventory carrying expense and product liability premiums.

We recalculated the credit expense reported by Wolff on ESP sales based on the period from shipment date to payment date, rather than from invoice

date, which may occur after shipment, as calculated by Wolff.

In accordance with section 772(d)(1)(c) of the Act, we added to United States price the amount of value-added tax (VAT) that would have been collected on the export sale had it been subject to the tax. We computed the hypothetical amount of VAT added to United States price by applying the home market VAT rate to a United States price net of all charges and expenses that would not have been incurred had the product been sold in the home market.

We disallowed certain adjustments, involving prepay and add terms, to U.S. price on ESP sales made under those terms because Wolff did not adequately demonstrate that the adjustments were appropriate under the regulations.

Foreign Market Value

In accordance with section 773(a)(1)(A) of the Act, we calculated foreign market value based on home market sales. We calculated foreign market value based on the packed, delivered prices to unrelated customers in the FRG. We made deductions, where appropriate, for inland freight, transit insurance, discounts, rebates, and sales-related testing expenses. We deducted home market packing costs and added U.S. packing costs.

On comparisons involving purchase price sales, we subtracted home market commissions from the foreign market value and added U.S. indirect selling expenses up to the amount of the weighted average home market commissions paid, in accordance with § 353.56(b)(1) of the Department's regulations (19 CFR 353.56(b)(1)). We made a circumstance of sale adjustment for differences in credit terms. We recalculated the reported credit expense on purchase price sales to impute credit from the date of shipment to the date of payment, rather than from date of U.S. invoice, as calculated by Wolff. We used the home market interest rate to impute credit on purchase price sales, consistent with Departmental practice.

On comparisons involving ESP sales, we deducted home market credit expenses, which we recalculated to impute credit from shipment date, rather than from invoice date as reported by Wolff. We also deducted indirect selling expenses. In accordance with § 353.56(b)(2) of the Department's regulations (19 CFR 353.56(b)(2)), the amount of home market indirect selling expenses deducted from the weighted average foreign market value could not exceed total U.S. indirect selling expenses for the sale in question.

We made a circumstance of sale adjustment in accordance with section 773(a)(4)(B) to eliminate any differences in taxation between the two markets. Because the home market prices were reported net of VAT, this adjustment was made by adding the hypothetical tax on the U.S. sale to both the United States price and the foreign market value.

Currency Conversion

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Verification

As provided for in section 776(b) of the Act, we will verify all information used in making the final determination.

Suspension of Liquidation

In accordance with section 773(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from the FRG, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the Federal Register. The U.S. Customs service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/Producer/Exporter	Margin percentage
Wolff Walsrode AG	3.55
All others	3.55

ITC Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary

determination or 45 days after our final determination.

Public Comment

In accordance with § 353.38 of the Commerce Department's regulations (19 CFR 353.38), case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than April 20, 1990, and rebuttal briefs no later than April 27, 1990. In accordance with § 353.38(b) of the Department's regulations (19 CFR 353.38(b)), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held at 10:00 a.m. on May 1, 1990, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Interested parties who wish to participate in the hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099 within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reasons for attending; and (4) a list of the issues to be discussed. In accordance with § 353.38(b) of the Department's regulations (19 CFR 353.38(b)), oral presentations will be limited to arguments raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Dated: February 26, 1990.

Eric I. Garfinkel,

Assistant Secretary for Import Administration.

[FR Doc. 90-4904 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-DS-M

[A-412-803]

Preliminary Determination of Sales at Less Than Fair Value: Industrial Nitrocellulose From the United Kingdom

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: We preliminarily determine that imports of industrial nitrocellulose from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value. We have notified the U.S. International Trade Commission (ITC) of our determination and have directed the U.S. Customs Service to suspend liquidation of all

entries of industrial nitrocellulose from the United Kingdom, as described in the "Suspension of Liquidation" section of this notice. If this investigation proceeds normally, we will make a final determination by May 14, 1990.

EFFECTIVE DATE: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Steven Lim or Bradford Ward, Office of Antidumping Investigations, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-4087 or (202) 377-5288, respectively.

SUPPLEMENTARY INFORMATION:

Preliminary Determination

We preliminarily determine that imports of industrial nitrocellulose from the United Kingdom are being, or are likely to be, sold in the United States at less than fair value, as provided in section 733 of the Tariff Act of 1930, as amended (19 U.S.C. 1673b) (the Act). The estimated weighted-average margins are shown in the "Suspension of Liquidation" section of this notice.

Case History

Since publication of the notice of initiation on October 17, 1989, (54 FR 42536), the following events have occurred. On November 3, 1989, the ITC determined that there is a reasonable indication that an industry in the United States is threatened with material injury by reason of imports from the United Kingdom of industrial nitrocellulose (USITC Pub. No. 2231, November 1989).

Also on November 3, 1989, the Department presented its questionnaire to counsel for Imperial Chemical Industries (ICI). This company is the only company known to have exported the subject merchandise from the United Kingdom to the United States during the period of investigation. We received questionnaire responses on November 22 and December 21, 1989.

The Department issued a deficiency letter to ICI on January 11, 1990. We received a supplemental response on January 26, 1990.

Scope of Investigation

The United States has developed a system of tariff classification based on the international harmonized system of customs nomenclature. On January 1, 1989, the U.S. tariff schedules were fully converted to the Harmonized Tariff Schedule (HTS), as provided for in section 1201 *et seq.* of the Omnibus Trade and Competitiveness Act of 1988. All merchandise entered, or withdrawn from warehouse, for consumption on or

after this date will be classified solely according to the appropriate HTS subheadings. The HTS subheadings are provided for convenience and U.S. Customs Service purposes. The written description remains dispositive.

Industrial nitrocellulose is a dry, white, amorphous synthetic chemical with a nitrogen content between 10.8 and 12.2 percent which is produced from the reaction of cellulose with nitric acid. Industrial nitrocellulose is used as a film-former in coatings, lacquers, furniture finishes, and printing inks. Industrial nitrocellulose is currently provided for under HTS subheading 3912.20.00. Prior to January 1, 1989, industrial nitrocellulose was classifiable under item 445.25 of the *Tariff Schedules of the United States Annotated* (TSUSA). The scope of this investigation does not include explosive grade nitrocellulose, which has a nitrogen content of greater than 12.2 percent.

Period of Investigation

The period of investigation is April 1, 1989 through September 30, 1989.

Such or Similar Comparisons

For the purposes of this investigation, we have determined that all industrial nitrocellulose comprises a single category of such or similar merchandise. Product comparisons were made on the basis of the following criteria which are ranked in the order of importance: (1) Nitrogen percentage, (2) viscosity rating, (3) wetting agent type, (4) cellulose source, (5) physical form, and (6) wetting agent percent.

Where there were no sales of identical merchandise in the home market with which to compare merchandise sold in the United States, sales of the most similar merchandise were compared on the basis of the characteristics described above. In those instances, we made adjustments for differences in the physical characteristics of the merchandise in accordance with section 773(a)(4)(C) of the Act.

Fair Value Comparisons

To determine whether sales of industrial nitrocellulose from the United Kingdom to the United States were made at less than fair value, we compared the United States price (USP) to the foreign market value (FMV), as specified in the "United States Price" and "Foreign Market Value" sections of this notice.

United States Price

As provided for in section 772(b) of the Act, we used the purchase price of the subject merchandise to represent the United States price where the merchandise was sold to unrelated purchasers prior to importation into the United States.

In those cases where sales were made through a related sales agent in the United States to an unrelated U.S. purchaser prior to the date of importation, we also used purchase price as the basis for determining United States price. For these sales, the Department determined that purchase price was the most appropriate determinant of United States price based on the following elements:

1. The merchandise in question was shipped directly from the manufacturer to the unrelated buyer, without being introduced into the inventory of a related selling agent;
2. This was the customary commercial channel for sales of this merchandise between the parties involved; and
3. The related selling agent in the United States acted only as a processor of sales-related documentation and a communication link with the unrelated U.S. buyer in Puerto Rico.

Where all the above elements are met, we regard the routine selling functions of the exporter as merely having been relocated geographically from the country of exportation to the United States, where the sales agent performs them. Whether these functions take place in the United States or abroad does not change the substance of the functions themselves.

We calculated purchase price based on either delivered or CIF port of entry prices to unrelated customers in the United States. We made deductions, where appropriate, for brokerage and handling, foreign inland freight, ocean freight, containerization, transit insurance, U.S. duties, U.S. Customs fees, U.S. inland freight, and rebates, in accordance with section 772(d)(2) of the Act.

Where the merchandise was sold to unrelated purchasers after importation into the United States, we used exporter's sales price (ESP) to represent the United States price, as provided for in section 772(c) of the Act. We calculated ESP based on FOB warehouse or delivered prices to unrelated customers in the United States. We made deductions, where appropriate, for foreign inland freight, brokerage and handling, containerization, ocean freight, transit insurance, U.S. duties, U.S. Customs fees, U.S. inland freight, credit expenses,

commissions, and indirect U.S. selling expenses (including inventory carrying costs, technical service expenses, and other miscellaneous indirect selling expenses incurred in the United States and the home market).

Because ICI had not yet received payment for some sales, we recalculated credit expense adjustments for all sales by basing credit on the average credit expense associated with only those sales for which payment had been received.

In accordance with section 772(d)(1)(c) of the Act, we added to the United States price the amount of value-added tax (VAT) that would have been collected on the export sale had it been subject to the tax. We computed the hypothetical amount of VAT added to United States price by applying the home market VAT rate to a United States price net of all charges and expenses that would not have been incurred had the product been sold in the home market.

Foreign Market Value

In accordance with section 773(a)(1)(A) of the Act, we calculated foreign market value based on home market sales. We calculated foreign market value based on the packed prices (either delivered or ex-works) to unrelated customers in the United Kingdom. We made deductions, where appropriate, for inland freight, discounts, rebates, and credit expenses. We deducted home market packing costs and added U.S. packing costs.

Respondent reported home market technical service expenses as direct selling expenses. Because respondent was unable to demonstrate satisfactorily that home market technical service expenses tie directly to particular sales, we are considering home market technical service expenses to be indirect expenses.

In comparing purchase price sales, we made a circumstance of sale adjustment for differences in credit terms. When a commission was paid on the purchase price sale, we added the amount of the commission to the weighted average foreign market value and then deducted from the weighted average foreign market value the lesser of either total home market indirect selling expenses or the U.S. commission amount, in accordance with § 353.56(b)(1) (19 CFR 353.56(b)(1)) of the Department's regulations.

In comparing ESP sales, we deducted from the average foreign market value home market credit expenses, as well as indirect selling expenses. In accordance with § 353.56(b)(2) (19 CFR 353.56(b)(2)) of the Department's regulations, the

amount of home market indirect selling expenses deducted from the average foreign market value could not exceed total U.S. indirect selling expenses for the sale in question.

We made a circumstance of sale adjustment in accordance with section 773(a)(4)(B) to eliminate any differences in taxation between the two markets. Because the home market prices were reported net of VAT, this adjustment was made by adding the hypothetical tax on the U.S. sale to both the United States price and the foreign market value.

Currency Conversion

We made currency conversions based on the official exchange rates in effect on the dates of the U.S. sales as certified by the Federal Reserve Bank.

Verification

As provided for in section 776(b) of the Act, we will verify all information used in making the final determination.

Suspension of Liquidation

In accordance with section 733(d)(1) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of industrial nitrocellulose from the United Kingdom, as defined in the "Scope of Investigation" section of this notice, that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. The U.S. Customs service shall require a cash deposit or posting of a bond equal to the estimated preliminary dumping margins, as shown below. The suspension of liquidation will remain in effect until further notice.

Manufacturer/Producer/Exporter	Margin percentage
Imperial Chemical Industries.....	9.47
All others	9.47

ITC Notification

In accordance with section 732(d) of the Act, we have notified the ITC of our determination. In addition, we are making available to the ITC all nonprivileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms in writing that it will not disclose such information, either publicly or under administrative protective order, without the written consent of the Deputy Assistant Secretary for Investigations.

If our final determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry before the later of 120 days after the date of this preliminary determination or 45 days after our final determination.

Public Comment

In accordance with section 353.38 of the Commerce Department's regulations (19 CFR 353.38), case briefs or other written comments in at least ten copies must be submitted to the Assistant Secretary no later than April 19, 1990, and rebuttal briefs no later than April 26, 1990. In accordance with § 353.38(b) of the Department's regulations (19 CFR 353.38(b)), we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. The hearing will be held at 10:00 a.m. on April 30, 1990, at the U.S. Department of Commerce, Room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Interested parties who wish to participate in the hearing must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room B-099 within 10 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) The number of participants; (3) The reasons for attending; and (4) A list of the issues to be discussed. In accordance with § 353.38(b) of the Department's regulations (19 CFR 353.38(b)), oral presentations will be limited to arguments raised in the briefs.

This determination is published pursuant to section 733(f) of the Act (19 U.S.C. 1673b(f)).

Dated: February 26, 1990.

Eric I. Garfinkel,
Assistant Secretary for Import
Administration.

[FR Doc. 90-4905 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-DS-M

Sanctions for Violations of Administrative Protective Orders

AGENCY: Import Administration, International Trade Administration, Commerce.

ACTION: Notice.

SUMMARY: This is a notice of the status of investigations into charges of violation of antidumping and countervailing duty proceedings.

EFFECTIVE DATES: March 5, 1990.

FOR FURTHER INFORMATION CONTACT: Stephen J. Powell, Chief Counsel for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue NW., Washington, DC 20230; telephone: (202) 377-8916.

SUPPLEMENTARY INFORMATION: The International Trade Administration of the Department of Commerce (ITA) wishes to remind those members of the bar who appear before it in antidumping and countervailing duty proceedings of the extreme importance of protecting the confidentiality of business proprietary information obtained pursuant to administrative protective order (APO) during the course of those proceedings. In order that the gravity with which ITA views violations of its APOs might better be appreciated, ITA is publishing the following report on six recent allegations that the provisions of ITA APOs have been violated. The investigations consisted of two cases in which counsel sent prehearing and posthearing briefs to other counsel without properly redacting proprietary information; one case in which counsel quoted directly from the proprietary version of the ITA's verification report in a nonproprietary submission; one case in which counsel failed to redact one respondent's business proprietary information from submissions served on another respondent's counsel who subsequently sent the submission to a client; one case in which counsel failed to redact all of the business proprietary information identified in the petition from a memorandum sent to a client; and one case in which respondent's counsel failed to redact all of petitioner's business proprietary information before disclosing this information to a client.

In all of these cases the APO violations were found to be inadvertent. In four cases, there was found to be no harm to the submitter of the information. In the other two cases, although the information was disclosed to a direct competitor, the harm was found to be minimal.

The specific charges that we have investigated, and actions that we would regard as violations of protective orders, include the following:

1. Failure to redact one respondent's information from a brief sent to another respondent's counsel.
2. Quoting from a proprietary version of a verification report in a public submission.
3. Failure to redact respondent's business proprietary information from submissions served on another respondent's counsel.

4. Failure to redact petitioner's business proprietary information from a memorandum sent to a respondent.

5. Disclosing the petitioner's proprietary information to a client, the respondent.

In each of the six cases, the individuals involved were (1) issued private reprimands which warned that future violations by them or others associated with their firms could be treated more severely; and (2) were required to attend a training session on proper procedures for protecting proprietary data.

Serious harm can result from inadvertent or other disclosures of proprietary information obtained under APO. The ITA will continue to investigate vigorously allegations that the provisions of APOs have not faithfully been observed, and is prepared to impose sanctions commensurate with the nature of the violations, including letters of reprimand, denial of access to proprietary information, or debarment from practice before the ITA.

Dated: February 21, 1990.

Roger W. Wallace,
Deputy Under Secretary for International
Trade.

[FR Doc. 90-4910 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

Coastal Zone Management; Federal Consistency Appeal by Gulf Oil Division of Cumberland Farms, Inc., From Objection by Connecticut Department of Environmental Protection

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of dismissal of Federal consistency appeal.

The Gulf Oil Division of Cumberland Farms, Inc., (Appellant) filed an appeal with the Secretary of Commerce on February 2, 1989, pursuant to section 306(c)(3)(A) of the Coastal Zone Management Act, 16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's implementing regulations, 15 CFR Part 930, Subpart H. The appeal was taken from an objection by the Connecticut Department of Environmental Protection (State) to the Appellant's consistency certification for a U.S. Army Corps of Engineers permit to dredge approximately 44,800 cubic yards of material in New Haven Harbor

and to dispose of it in the open waters of Long Island Sound at the Central Long Island Sound disposal site.

On November 13, 1989, the Department of Commerce received a letter from the Appellant withdrawing the consistency appeal. The Under Secretary for Oceans and Atmosphere dismissed the appeal on December 21, 1989. The Appellant is barred from filing another appeal from the State's objection to the consistency certification that was the subject of the appeal.

FOR ADDITIONAL INFORMATION CONTACT:

Hugh C. Schratwieser, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue, NW., Room 603, Washington, DC 20235 (202) 673-5200.

(Federal Domestic Assistance Catalogue No. 11.419 Coastal Zone Management Program Assistance)

Dated: February 1, 1990.

Thomas A. Campbell,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 90-4885 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-08-M

Coastal Zone Management; Federal Consistency Appeal of Larry R. Brown From Objection by South Carolina Coastal Council

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Notice of dismissal of Federal consistency appeal.

Larry R. Brown (Appellant) filed an appeal with the Secretary of Commerce on June 9, 1989, pursuant to section 307(c)(3)(A) of the Coastal Zone Management Act (CZMA), 16 U.S.C. 1456(c)(3)(A), and the Department of Commerce's implementing regulations, 15 CFR part 930, Subpart H. The appeal was taken from an objection by the South Carolina Coastal Council (State) to the Appellant's consistency certification for a United States Army Corps of Engineers permit to fill approximately .5 acres of freshwater wetland for commercial development in Surfside Beach, Horry County, South Carolina.

On October 26, 1989, the Department of Commerce received a letter from the Appellant withdrawing the consistency appeal. The Under Secretary for Oceans and Atmosphere dismissed the appeal on December 14, 1989. The Appellant is barred from filing another appeal from the State's objection to the consistency

certification that was the subject of the appeal.

FOR ADDITIONAL INFORMATION CONTACT:

Hugh C. Schratwieser, Attorney-Adviser, Office of the Assistant General Counsel for Ocean Services, National Oceanic and Atmospheric Administration, U.S. Department of Commerce, 1825 Connecticut Avenue, NW., Room 603, Washington, DC 20235, (202) 673-5200.

(Federal Domestic Assistance Catalog No. 11.419 Coastal Zone Management Program Assistance)

Dated: February 1, 1990.

Thomas A. Campbell,

General Counsel, National Oceanic and Atmospheric Administration.

[FR Doc. 90-4886 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-08-M

Western Pacific Fishery Management Council; Public Meetings

AGENCY: National Marine Fisheries Service, NOAA, Commerce.

As noted below, the Western Pacific Fishery Management Council's Plan Monitoring Teams (PMTs) for the bottomfish/seamount groundfish, the pelagics, and the precious corals fisheries will hold public meetings at the Kamehameha Room, Jefferson Hall, East-West Center, 1777 East West Road, Honolulu, HI. All meetings will begin at 9 a.m., each day.

Bottomfish/Seamount Groundfish PMT—On March 5-6, 1990, the Team will streamline the annual review process. It will develop an overfishing fishery management plan (FMP) amendment by discussing available summary data for 1989, and length and frequency data. The Team also will outline amendment task assignments and completion dates, and discuss current situations in, and management implications of, the fisheries.

Pelagics PMT—On March 7-8, 1990, the Team will discuss improvements for the annual review process by developing and defining a list of indicators related to fishery management objectives, and by analyzing indicators using available data. It also will discuss and analyze quantitative information about the status of the fisheries.

Precious Corals PMT—On March 9, 1990, the Team will develop an overfishing FMP amendment by outlining amendment task assignments and completion dates.

In addition to the above, other PMT business also will be discussed. For more information contact Kitty Simonds, Executive Director, Western Pacific Fishery Management Council, 1164

Bishop Street, Suite 1405, Honolulu, HI 96813; telephone: (803) 523-1368.

Dated: February 27, 1990.

David S. Crestin,

Deputy Director, Office of Fisheries Conservation and Management, National Marine Fisheries Service.

[FR Doc. 90-4871 Filed 3-2-90; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Twin Cities Board of Trade Proposed Futures Contract

AGENCY: Commodity Futures Trading Commission.

ACTION: Notice of availability of the terms and conditions of proposed commodity futures contract.

SUMMARY: The Twin Cities Board of Trade ("TCBT" or "Exchange") applied for designation as a contract market in British pound/Deutsche mark cross currency futures and requested approval of the terms and conditions for that contract. Because the TCBT has not been approved previously by the Commission as a contract market in any commodity, the TCBT is also requesting approval of trading rules and rules of government that it has submitted to meet the requirements for a board of trade seeking designation as a contract market. The Director of the Division of Economic Analysis ("Division") of the Commission, acting pursuant to the authority delegated by Commission Regulation 140.96, has determined that publication of the proposals for comment is in the public interest, will assist the Commission in considering the views of interested persons, and is consistent with the purposes of the Commodity Exchange Act.

DATES: Comments must be received on or before April 4, 1990.

ADDRESSES: Interested persons should submit their views and comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. References should be made to the TCBT British pound/Deutsche mark cross currency futures contract.

FOR FURTHER INFORMATION CONTACT: With respect to the terms and conditions of the proposed futures contract, please contact Stephen Sherrod, Division of Economic Analysis, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, (202) 254-7227. With respect to questions about the trading rules and rules of

government, please contact David P. VanWagner, Division of Trading and Markets, at the same address, (202) 254-8955.

SUPPLEMENTARY INFORMATION: Copies of the terms and conditions of the proposed trading rules and rules of government submitted by the TCBT, which is located in Minneapolis, MN, will be available for inspection at the Office of the Secretariat, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581. Copies of the terms and conditions, trading rules, and rules of government can be obtained through the Office of the Secretariat by mail at the above address or by phone at (202) 254-6314. Other materials submitted by the TCBT in support of the application for contract market designation may be available upon request pursuant to the Freedom of Information Act (5 U.S.C. 552 (1987)), except to the extent they are entitled to confidential treatment as set forth in 17 CFR 145.5 and 145.9. Requests for copies of such materials should be made to the FOI, Privacy and Sunshine Act Compliance Staff of the Office of the Secretariat at the Commission's headquarters in accordance with 17 CFR 145.7 and 145.8.

Any person interested in submitting written data, views or arguments on the proposal to designate the TCBT as a contract market or with respect to terms and conditions of the proposed futures contract, the trading rules, the rules of government, or other materials submitted by the TCBT in support of the application, should send such comments to Jean A. Webb, Secretary, Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581, by the specified date.

Issued in Washington, DC on February 28, 1990.

Steven Manaster,
Director.

[FR Doc. 90-4891 Filed 03-02-90; 8:45 am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Army

Military Traffic Management Command, Directorate of Personal Property International Through Government Bill of Lading (ITGBL) Program for Household Goods Shipments

AGENCY: Military Traffic Management Command.

ACTION: Invitation to comment on the requirement for carriers to provide one

year rates on Department of Defense ITGBL shipments.

SUMMARY: The Office of the Assistant Secretary of Defense (OASD) has requested the Military Traffic Management Command (MTMC) to assess the feasibility of a 1-year rate cycle for international household goods shipments. The Military Traffic Management proposes to solicit industry comments, and, if practical, test a 1-year rate cycle on selected channels for household goods shipments versus the current 6-month cycle. This revision has the potential to improve efficiency and reduce transportation expenditures by giving carriers the opportunity to stabilize their operations through a long-term rate cycle. Solicitation items impacted are as follows:

a. Item 242: Rate Cycle. The current 6-month rate cycle submissions will remain in effect except for those channels selected for the test period.

b. The Military Traffic Management Command will request a special 1-year solicitation on selected channels. For the test period, rates submitted in response to the 1-year solicitation will apply to all test household goods traffic channels.

John O. Roach, II,

Department of the Army, Liaison Officer with the Federal Register.

[FR Doc. 90-4934 Filed 3-2-90; 8:45 am]

BILLING CODE 3710-08-M

Availability of a Draft Environmental Impact Statement for the Fort Devens, Fort Huachuca, Fort Monmouth Base Realignment

AGENCY: U.S. Army, DOD.

SUMMARY: Fort Devens, Massachusetts, Fort Huachuca, Arizona, and Fort Monmouth, New Jersey, were recommended for realignment by the Defense Secretary's Commission on Base Realignment and Closure. The Intelligence School at Fort Devens will be relocated to Fort Huachuca and consolidated with the Intelligence School now at that location. The Headquarters, Information Systems Command (ISC) will be relocated from Fort Huachuca to Fort Devens and consolidated with other ISC activities to be relocated to Fort Devens from Fort Huachuca, Fort Monmouth, and Fort Belvoir. This document focuses upon the environmental and socioeconomic impacts and mitigations associated with the planned realignment activities at Fort Huachuca, Fort Devens, and Fort Monmouth. The realignment impacts at Fort Belvoir will be covered under another Environmental Impact

Statement which is currently under development.

No long-term adverse environmental effects at these installations are expected, as a result of mitigation commitments. Significant adverse socioeconomic effects could be expected in the local communities associated with Fort Huachuca. The Department of Defense Office of Economic Adjustment is working with the local community to diversify the local economies, and will continue their work to lessen the impact. Socioeconomic impacts at Fort Devens are anticipated to be beneficial due to the transfer of higher paid civilian positions to the area. There will be adverse economic impacts to the area surrounding Fort Monmouth; however, they are not considered significant since the strong economic base of the area can absorb the impact of losing a relatively small number of personnel positions.

The public is encouraged to comment on the Draft EIS. Public notices requesting input and comments will be issued, and public hearings will be held in the areas adjacent to Fort Huachuca and Fort Devens. A copy of the Draft EIS may be obtained by contacting Mr. Jonathan Freedman or Ron Ganzfried at (213) 894-0237 or by writing to: Commander, U.S. Army Corps of Engineers, Los Angeles District, ATTN: CESPL-PD-RQ, P.O. Box 2711, Los Angeles, CA 90053-2325. Comments and suggestions should be received not later than April 15, 1990.

Lewis D. Walker,

Deputy Assistant Secretary of the Army, Environment, Safety and Occupational Health OASA (I, L&E).

[FR Doc. 90-4935 Filed 3-2-90; 8:45 am]

BILLING CODE 3710-08-M

DEPARTMENT OF THE NAVY

Court-Martial Convictions and Sentences

AGENCY: Office of the Judge Advocate General, Department of the Navy, Department of Defense.

ACTION: Notice of decision.

SUMMARY: Notice is hereby given that the United States Navy Court of Military Review affirmed the court-martial convictions and sentences of the following named individuals on the dates indicated.

State	Rank	Name	HOR	NMCM No.	Decision
AL	SA	Frederick, David R.	Huntsville	78-0717	25 Jan 78
	QMSA	Kemp, David J.	Theodore	79-1286	18 Sep 79
AR	GMMSR	Proctor, Charles D.	Russellville	80-2363	24 Oct 80
AZ	MSSA	Keeler, Terence R.	Phoenix	77-1034	22 Jun 77
	OSSN	Norton, Richard A.	Phoenix	80-0360	30 Jun 80
CA	PVT	Johnson, Thomas A.	Long Beach	77-0840	17 May 77
	PFC	Moreno, Henry Jr.	Bakersfield	77-1218	6 Jul 77
	SGT	Clark, Louis C. Jr.	Oakland	77-0869	19 May 77
	HTFN	Brown, Darrell R.	San Joaquin	77-1356	3 Oct 77
	SA	Chaney, Nicholas R.	Pomona	77-1614	13 Dec 77
	AAOAN	Woodman, Jeffrey H.	San Luis	77-1631	21 Oct 77
	PVT	Diaz, Albert P. Jr.	Los Angeles	77-2049	12 Jan 78
	PVT	Clarkson, Joseph H. III	Montclair	78-0227	6 Mar 78
	PVT	Garcia, Richard Jr.	Clovis	78-0258	13 Mar 78
	CA	Davenport, Dennis L.	Anaheim	79-0859	13 Mar 80
	FR	Bolin, Thomas A.	Salinas	79-0784	7 Aug 79
	SR	Knoefel, Kevin P.	Los Angeles	79-1174	14 Nov 79
	FR	Talbott, David C.	Costa Mesa	80-1300	25 Jul 80
	SR	Brown, John N.	San Francisco	80-2713	30 Jan 81
	SR	Crawford, Jeffrey L.	Vero Beach	81-0060	27 Feb 81
	MMFN	Peterson, Ronald G. Jr.	Mariposa	81-1502	20 Jul 81
	SA	James, Gregory L.	Los Angeles	81-1637	27 Aug 81
CO	LCPL	Minnis, Charles C.	Westminster	77-1676	30 Sep 77
	PVT	Harding, Douglas K.	Grand Junction	78-1048	8 Aug 78
	AOA	Dansill, Jay G.	Longmont	79-1720	5 Dec 79
	HA	Decrocker, John M.	Denver	80-2941	24 Dec 80
	QMSR	Crombie, Cameron A.	Evergreen	81-2918	20 Nov 81
CT	FA	Poland, Chester F. II	Hartford	80-1866	12 Sep 80
FL	FT3	Carl, Emerson B. Jr.	Gainesville	77-1203	29 Jul 77
	AR	Yannacone, Vincent	Miami	78-0201	27 Feb 78
	FA	Davis, Ronald A.	Sarasota	78-1008	11 Aug 78
	SSA	Lawrence, Richard T.	Tarpon	79-1567	17 Jan 80
	SA	Rouse, Mark L.	Perry	80-2919	21 Jan 81
	FA	McQuarrie, Donald E.	Rockledge	80-0397	31 Mar 81
	GMTSA	Montgomery, Allen L.	St. Petersburg	81-0853	13 May 81
	ABEAA	Schaeffer, Henry A.	St. Petersburg	81-1877	30 Nov 81
GA	SA	Castleberry, Larry G.	Carroll	77-0882	31 May 77
	FR	Chancey, William C.	Waycross	78-1107	31 Aug 78
	ABHR	Harris, Michael R.	Chatsworth	80-2628	28 Nov 80
IN	TM3	Sneller, Michael L.	South Bend	81-1853	10 Dec 81
	ASAR	Childress, John D.	Michigan City	81-2599	29 Dec 81
IL	CPL	Walkenhorst, John E.	Cohokia	77-0931	27 May 77
	AR	Haskins, James C. II	Waukegan	79-1098	31 Aug 79
	AO3	Moss, Danny, J.	Benton	79-1600	23 Oct 79
	SA	Tubbs, Fred E.	Granite City	80-1695	29 Aug 80
IO	PVT	Davis, Kreig E.	Waterloo	77-2147	14 Apr 78
	GMG3	Stablein, Shawn B.	Davenport	79-1375	21 Nov 79
KS	LCPL	McCardle, Timothy O.	Lawrence	77-1409	15 Feb 77
	PVT	Zeigler, John T.	Coffeeville	77-1751	13 Oct 77
	SR	Melton, Lewis L.	Coffeeville	77-1906	22 Nov 77
	AMAR	Hargitt, Donald L.	Garden City	80-1103	
	MS	Dollison, David D.	Kansas City	80-2153	29 Sep 80
KY	PVT	Dunbar, Jesse E.	Louisville	77-1910	27 Feb 78
	SSN3	Kay, Richard E.	Bowlinggreen	78-1664	23 Apr 79
	SS	Prather, Henry R.	Richmond	81-1920	14 Sep 81
LA	PFC	Craig, Gregory	New Orleans	77-1679	7 Oct 77
	FN	Ryall, Kenneth K.	New Orleans	79-0782	17 Jul 79
MA	PVT	Ditroia, Michael J.	Salem	77-1971	25 Jan 78
	PFC	Hall, Glenn B.	Tewksbury	78-0356	31 Mar 78
	SA	Lawrence, Peter B.	Greenfield	79-0293	18 Apr 79
	FR	Florintine, James G.	Quincey	81-2878	29 Dec 81
MD	SR	Lee, Michael T.	Baltimore	77-1200	18 Jul 77
	PVT	Brown, Thomas O.	Cumberland	80-0457	26 Oct 81
	SR	Pennington, Rick D.	Baltimore	81-2043	27 Aug 81
MI	PVT	Taylor, Luther C.	Mt. Morris	77-0924	7 Jun 77
	PVT	Albert, Erving C.	Flint	78-0127	30 Mar 78
	PVT	White, Dennis V.	Spring Harbor	79-0236	26 Jul 79
MN	FR	Janssen, William M.	Manchester	78-1729	13 Feb 79
MO	PVT	Johnson, Jimmy, W.	Kansas City	77-1228	27 Jul 77
	PFC	Nicholson, Paul L.	Mill Springs	79-0611	21 May 79
MS	AAOAN	Walker, Dana L.	Madison	80-1315	24 Jul 80
MT	PVT	Griffin, Ronald J.	Helena	78-0018	7 Apr 78
NC	PVT	Smith, Gary S.	Kings Mountain	77-0355	23 May 77
	PFC	Ratliff, Terry E.	No. Wilkesboro	77-1643	18 Oct 77
	HTFN	Causby, Roy G.	Hudson	78-0224	12 Apr 78
	PVT	Philbeck, J.B. Jr.	Shelby	78-0513	24 Apr 78
	SR	Epps, Christopher	Charlotte	78-0849	27 Jul 78
	FR	Henderson, Jeffrey J.	Marshall	80-0708	19 May 80
	SGT	Cates, Charles A.	Jacksonville	81-1265	11 Sep 81
NE	EWSN	Whiteface, Joseph R.	Omaha	79-0453	15 May 79
	AR	Reynolds, Curtis N.	Omaha	81-2097	29 Sep 81

State	Rank	Name	HOR	NMCM No.	Decision
NJ	MMFN	Williams, Dale W.	Elmer	77-0517	12 Sep 77
	HT3	Acevedo, George W.	Plainfield	77-0602	28 Nov 77
	SA	Villanueva, Manuel	Newark	77-0899	24 May 77
	FR	Cassidy, Thomas M.	Morgan	77-1344	16 Aug 77
	SR	Julian, Henry	Jersey City	78-0497	26 Apr 78
	MMFA	Kalani, Carl R.	Woodbury	79-0807	27 Jul 79
	FA	Hightower, Lenox L.	Newark	79-0964	10 Aug 79
	AOAA	Knab, George M.	Camden	79-1092	9 Aug 79
	SMSN	Ferhman, Matthew D.	Jersey City	80-0361	23 Jul 80
	SA	Colon, Santos Jr.	East Orange	80-0613	19 Jun 80
	AR	McDonald, Dallas R.	Camden	80-1327	17 Feb 81
	HA	Ernst, John J. Jr.	Bayonne	80-2311	15 Oct 80
	AR	Kremper, Christopher	Trenton	80-2482	15 Oct 80
	AR	Grant, David H.	Mt. Tabor Morris	81-3476	22 Dec 81
NY	SR	Blocker, Blane	Bronx	77-1575	4 Nov 77
	SR	Pender, Allen F.	Brooklyn	77-1898	16 Dec 77
	BMN	Taylor, Keith G.	Buffalo	78-0268	20 Apr 78
	SN	White, Steven R.	Freeport	79-1469	31 Oct 79
	SR	Damian, Paul J.	Buffalo	79-1926	15 Feb 80
	LCPL	Selvaggio, John	Holtsville	80-0967	25 Aug 80
	CMCA	Huyghue, Edward A.	Bronx	80-1075	25 Jul 80
	ABAR	Morrow, Robert	Hollis	80-1099	16 Jul 80
	SWCR	Churchill, Bruce T.	Syracuse	80-1298	28 Nov 80
	SR	Malcher, Robert E.	Poughkeepsie	80-2986	30 Jan 81
OH	CPL	Brownlee, Larry R.	Youngstown	77-0779	24 Aug 77
	AR	Zimmerman, Harold	Plain City	77-2054	14 Mar 78
	PVT	Bowman, Bobby L.	Cincinnati	78-0704	18 May 79
	AA	Nelson, Jeffrey J.	Fairfield	79-0495	4 Jun 79
	AR	Howard, Rusty A.	Columbus	79-0796	24 Jul 80
	SR	Plumley, Steven P.	Columbus	81-1730	11 Aug 81
	BTFA	Balard, Elmer K.	Harrison	81-1818	13 Aug 81
	SA	Burch, William R.	Marion	81-3089	27 Nov 81
	PVT	Lofton, Rickey D.	Midwest City	78-0522	9 May 78
	EO3	Clark, Jonathan L.	Hugo	80-2141	31 Oct 80
OR	BTFA	Dunkin, Daniel C.	Albany	77-1385	16 Sep 77
	EOCA	Wood, Richard G.	Beaverton	78-0008	28 Mar 78
	AR	Earls, Landon S.	Milwaukee	79-1201	29 Aug 79
	SKSA	Martin, Gary R.	Portland	80-2432	31 Mar 81
	FR	Walker, Larry T.	Philmath	81-2352	22 Oct 81
	SR	Moore, Herbert W.	Pittsburgh	77-0935	7 Jun 77
	SA	Wilson, Willie L.	Pittsburgh	78-0585	7 Aug 78
	PVT	Brooks, Elliott J.	Philadelphia	78-1754	25 Jan 79
	MSSA	Cook, Gary E.	Strandsburg	79-1284	31 Dec 79
	SA	Roberts, Gary D.	New Ellington	80-1842	30 Sep 80
SC	SMSA	Whealy, Bryan L.	Piedmont	79-1910	27 Feb 80
	ABF3	Malone, Larry D.	Memphis	78-1271	22 Nov 78
	AOAR	Hawkins, Michael W.	Chattanooga	78-1494	3 Oct 77
	PFC	Holman, James E.	Houston	77-0212	29 Nov 77
	PFC	Turner, Michael A.	Odessa	77-0891	6 Jun 77
	MNSA	Jhnson, Randy	Austin	77-1544	12 Sep 77
	LCPL	Campbell, Paul E.	Denton	77-1662	27 Sep 77
	PFC	Taylor, Russell W.	Amarillo	78-0113	6 Mar 78
	PFC	Yzaguirre, Raul Jr.	Harlingen	78-1343	19 Oct 78
	BTFR	Parsons, Frank V. Jr.	Ft. Worth	79-0203	7 May 79
TX	SR	Richardson, Derrick J.	Ft. Worth	81-1158	1 Jun 81
	ABFAN	Rater, Billy J.	Amarillo	81-2462	27 Nov 81
	SR	Keller, Kenneth K.	Richmond	77-0713	11 May 77
	ADAR	Quayle, Edward G.	Portsmouth	78-1745	29 Dec 78
	BT2	Oliver, Charlie F.	Emporia	79-0215	8 Mar 79
	SA	Downs, Robert J.	Chesapeake	79-1569	20 Feb 80
	MMFR	Bowder, Terrance A.	Puyallup	78-1540	30 Aug 78
	WI	Crosby, Kenneth M.	Twin Lakes	77-1361	10 Aug 77
	WV	Nicholas, Denzil L.	Fairview	77-0727	23 May 77

The above named individuals have 60 days from the date of this notice to petition the United States Court of Military Appeals for a review of the NCMR decision. Failure to act within this 60-day period will cause the cases to become final and the unexecuted portion of the sentences, including the

punitive discharges, approved by the Court of Military Review can be executed.

The above named individuals should contact appellate defense counsel at the United States Navy-Marine Corps Appellate Review Activity, telephone (202) 433-2098 or 433-4361, without

delay for advice concerning this matter.

Dated: February 22, 1990.

C.H. Mitchell,

Colonel, USMC, Assistant Judge Advocate General for Military Justice.

[FR Doc. 90-4924 Filed 3-2-90; 8:45 am]

BILLING CODE 3810-01-M

DEPARTMENT OF ENERGY

Office of Fossil Energy

[FE Docket No. 89-05-NG]

Dynasty Gas Marketing, Inc.; Order Granting Blanket Authorization To Export Natural Gas**AGENCY:** Department of Energy, Office of Fossil Energy.**ACTION:** Notice of an order granting a blanket authorization to export natural gas.**SUMMARY:** The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice that it has issued an order granting Dynasty Gas Marketing, Inc., blanket authorization to export up to a total of 72,000,000 Mcf of domestic natural gas to Canada for a two-year term beginning on the date of first delivery.

A copy of the order is available for inspection and copying at the Office of Fuels Programs Docket Room, room 3F-056, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, (202) 586-9478. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, February 27, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Programs, Office of Fossil Energy.

[FR Doc. 90-4954 Filed 3-2-90; 8:45 am]

BILLING CODE 6450-01-M

[FE Docket No. [90-05-NG]

Rochester Gas and Electric Corporation; Application To Import Natural Gas from Canada**AGENCY:** Department of Energy, Office of Fossil Energy.**ACTION:** Notice of application for a long-term authorization to import Canadian natural gas.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy (DOE) gives notice of receipt on January 22, 1990, of an application by Rochester Gas and Electric Corporation (RG&E) for authorization to import up to 16 MMcf per day of natural gas from Canada over a 15-year term for use as part of RG&E's system supply. The gas would be purchased from Unigas Corporation, Calgary, Canada, imported via the import point near Grand Island, New York, and transported from the border to the facilities of RG&E through the proposed Empire State Pipeline

Company Inc. (Empire State). Empire State, when construction is completed, would include 155 miles of 14-inch pipeline, extending from the U.S. border to a point near Syracuse, New York. The term of the authorization requested would begin on the date that the proposed Empire State pipeline system is placed into service, which is expected to be November 1, 1990. The import proposal would provide RG&E with an alternative source of gas for its system supply now dependent on CNG Transmission Corporation (CNG) for most of its gas supplies and for all transportation.

The application is filed under section 3 of the Natural Gas Act and DOE Delegation Order Nos. 0204-111 and 0204-127. Protests, motions to intervene, notices of intervention and written comments are invited.

DATES: Protests, motions to intervene or notices of intervention, as applicable, requests for additional procedures and written comments are to be filed at the address listed below no later than 4:30 p.m., e.s.t., April 4, 1990.

ADDRESSES: Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, FE-50, 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION:

Stanley C. Vass, Office of Fuels Programs, Fossil Energy, U.S. Department of Energy, Forrestal Building, room 3F-056, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-9482.

Diane J. Stubbs, Natural Gas and Mineral Leasing, Office of General Counsel, U.S. Department of Energy, Forrestal Building, room 6E-042, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586-6667.

SUPPLEMENTARY INFORMATION:

RG&E is a natural gas and electric public utility serving approximately 260,000 natural gas customers in and around Rochester, New York. RG&E requests authorization to import natural gas into the U.S. to diversify gas supply and transportation sources for its system supply. The applicant states that the gas would be purchased from Unigas Corporation under a gas sales contract executed on November 29, 1989.

Under the RG&E-Unigas gas sales contract, RG&E may purchase up to a maximum daily contract quantity of 16 MMcf of natural gas. If RG&E fails to purchase at least 85 percent of the daily contract quantity, then RG&E is required to reimburse Unigas for the resulting "unabsorbed demand charges" on the Nova Corporation of Alberta (Nova) and TransGas Limited pipeline systems, i.e.,

charges for pipeline capacity contracted for on those pipeline systems to transport RG&E's gas that must be paid whether used or not.

RG&E states that the pricing mechanism in the RG&E-Unigas contract for determining the commodity charge paid by RG&E for the gas is essentially a net back formula that subtracts out the transportation charges, plus a monthly performance incentive based on volumes purchased, from a monthly Rochester inlet price that incorporates a monthly base price index. The monthly base price index would give equal weight to three separate price factors in determining the commodity charge that RG&E would have to pay: (1) The average market price established for Canadian gas in the province of Alberta by Alberta's Department of Energy; (2) the monthly price for "mid-continent gas" as listed in such publications as Inside FERC, National Gas Intelligence, and Natural Gas Week; and (3) the firm service delivered price paid by RG&E for gas under long-term contracts having a term of six years or more. Specifically, the RG&E-Unigas contract provides that the monthly contract price for natural gas shall equal the monthly Rochester inlet price computed by multiplying \$2.915 per MMBtu by the monthly price index minus the Empire State and TransCanada Pipeline Limited demand charges and minus the monthly performance incentive of up to \$.03 per MMBtu depending on the volumes purchased above 85 percent of the daily contract quantity.

In addition, the RG&E-Unigas Gas sales contract contains a monthly contract maximum price that is keyed to the commodity charge paid for gas by RG&E to CNG, RG&E's principal supplier of gas. Specifically, the contract provides that the commodity charge paid by RG&E to Unigas may not exceed 107 percent of the CNG commodity price and will be adjusted down to the CNG commodity price for specified periods if the commodity charge paid to Unigas remains at 107 percent of the CNG price for six consecutive months or for eight months of a 12-month period. Further, in the event that alternatively-sourced gas to that which Unigas intends to purchase from western Canada appears to be mutually attractive, the RG&E-Unigas contract provides for substitution of such gas for delivery to RG&E. If the combined demand charges of TransCanada and Empire State rise above \$1.08 per Mcf on the date of first delivery of the gas or on January 1, 1992, whichever is later, then the Rochester Inlet Price may be renegotiated.

In support of its application, RG&E states that the price of the imported gas will be competitive over the term of the proposed import because it is indexed to the selling price of gas in western Canada and in large segments of the U.S. RG&E also indicates that the maximum price mechanisms in the RG&E-Unigas contract assure that the price of the imported gas will seldom be higher than that paid by RG&E to CNG for natural gas. RG&E asserts that the imported gas is needed to supply RG&E customers with gas that is competitive with other fuels and other natural gas, that the imported gas would help diversify RG&E's gas storage and transportation sources, and would further the goal of providing additional gas to the U.S. Northeast.

The decision on RG&E's application for import authority will be made consistent with the DOE's gas import policy guidelines, under which the competitiveness of an import arrangement in the markets served is the primary consideration in determining whether it is in the public interest (49 FR 6684, February 22, 1984). Other matters that may be considered in making a public interest determination include need for gas and security of the long-term supply. Parties that may oppose this application should comment in their responses on the issues of competitiveness, need for the gas, and security of supply as set forth in the policy guidelines. The applicant asserts that this import arrangement is in the public interest because the volumes are needed for the applicant's system supply, the price of the gas is competitive, and its Canadian supplier is reliable. Parties opposing the import arrangement bear the burden of overcoming these assertions.

NEPA Compliance

The National Environmental Policy Act (NEPA), (42 U.S.C. 4321 *et seq.*) requires the DOE to give appropriate consideration to the environmental effects of its proposed actions. The Federal Energy Regulatory Commission (FERC) is currently performing an environmental review of the impacts of constructing and operating the proposed facilities related to this project in FERC Docket Nos. CP90-316-000 and CP90-317-000. The DOE will independently review the results of the FERC environmental evaluation of this project in the course of making its own environmental determination. No final decision will be issued in this proceeding until the DOE has met its NEPA responsibilities.

Public Comment Procedures

In response to this notice, any person may file a protest, motion to intervene or notice of intervention, as applicable, and written comments. Any person wishing to become a party to the proceeding and to have the written comments considered as the basis for any decision on the application must, however, file a motion to intervene or notice of intervention, as applicable. The filing of a protest with respect to this application will not serve to make the protestant a party to the proceeding, although protests and comments received from persons who are not parties will be considered in determining the appropriate action to be taken on the application. All protests, motions to intervene, notices of intervention, and written comments must meet the requirements that are specified by the regulations in 10 CFR part 590. Protests, motions to intervene, notices of intervention, requests for additional procedures, and written comments should be filed with the Office of Fuels Programs at the above address.

It is intended that a decisional record will be developed on the application through responses to this notice by parties, including parties' written comments and replies thereto. Additional procedures will be used as necessary to achieve a complete understanding of the facts and issues. A party seeking intervention may request that additional procedures be provided, such as additional written comments, an oral presentation, a conference, or trial-type hearing. Any request to file additional written comments, should explain why they are necessary. Any request for an oral presentation should identify the substantial question of fact, law, or policy at issue, show that it is material and relevant to a decision in the proceeding, and demonstrate why an oral presentation is needed. Any request for a conference should demonstrate why the conference would materially advance the proceeding. Any request for a trial-type hearing must show that there are factual issues genuinely in dispute that are relevant and material to a decision and that a trial-type hearing is necessary for a full and true disclosure of the facts.

If an additional procedure is scheduled, notice will be provided to all parties. If no party requests additional procedures, a final opinion and order may be issued based on the official record, including the application and responses filed by parties pursuant to this notice, in accordance with 10 CFR 590.316.

A copy of RG&E's application is available for inspection and copying in the Office of Fuels Programs Docket Room, 3F-056 at the above address. The docket room is open between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on February 27, 1990.

Constance L. Buckley,

Deputy Assistant Secretary for Fuels Program, Office of Fossil Energy.

[FR Doc. 90-4955 Filed 3-2-90; 8:45 am]

BILLING CODE 6450-01-M

Federal Energy Regulatory Commission

[Docket Nos. ER90-222-000, et al.]

Duke Power Co., et al.; Electric Rate, Small Power Production, and Interlocking Directorate Filings

Take notice that the following filings have been made with the Commission:

1. Duke Power Company

[Docket No. ER90-222-000]

February 22, 1990.

Take notice that on February 20, 1990, Duke Power Company (Duke) tendered for filing with the Commission a revised Supplement No. 1 to Supplement No. 24 to the Interchange Agreement between Duke and Carolina Power & Light Company (CP&L) dated June 1, 1961, as amended (Interchange Agreement). The revised Supplement No. 1 reduces Duke's monthly transmission capacity rate under the Interchange Agreement from \$1.2999 per KW to \$1.1537 per KW month. Duke has proposed an effective date of July 1, 1989 for the revised charge.

Copies of this filing were mailed to Carolina Power & Light Company, the North Carolina Utilities Commission, and the South Carolina Public Service Commission.

Comment date: March 9, 1990, in accordance with Standard Paragraph E at the end of this notice.

2. Oklahoma Gas and Electric Company

[Docket No. ER90-138-000]

February 22, 1990.

Take notice that on February 20, 1990, Oklahoma Gas and Electric Company (OG&E) tendered for filing additional information pertaining to its January 19, 1990 filing of a Letter Agreement dated December 8, 1989 for the sale of replacement energy to Central Louisiana Electric Company (CLECO) for the year 1990.

Comment date: March 9, 1990, in accordance with Standard Paragraph E at the end of this notice.

3. Camden Cogen L.P.

[Docket No. QF90-87-000]

February 22, 1990.

On February 12, 1990, Camden Cogen, L.P. (Applicant), c/o General Electric Company, One River Road, Building 2, 7th floor, Schenectady, New York 12345, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Camden, New Jersey. The facility will consist of a combustion turbine-generator, a heat recovery steam generator, and a single automatic extraction/condensing steam turbine generator. The thermal energy recovered from the facility, in the form of steam, will be used to supply the heating demands of the Camden Paperboard Corporation. The net electric power production capacity of the facility will be 120.84 MW. The primary energy source will be natural gas. Number 2 fuel oil will serve as an emergency back up energy source.

Comment date: On or before April 4, 1990, in accordance with Standard Paragraph E at the end of this notice.

4. Minnesota Power and Light Company

[Docket No. ER90-217-000]

February 22, 1990.

Take notice that on February 12, 1990, Minnesota Power and Light Company (MP&L) tendered for filing notices of cancellation of the following rate schedules:

Rate schedule	City	Cancellation date
FERC No. 115.....	City of Proctor.....	December 31, 1989.
FERC No. 116.....	City of Nashwaak.....	December 31, 1989.
FERC No. 103.....	City of Biwabik.....	December 31, 1989.

Comment date: March 9, 1990, in accordance with Standard Paragraph E at the end of this notice.

5. Portland General Electric Company

[Docket Nos. ER89-580-000 and ER89-581-000]

February 22, 1990.

Take notice that on February 20, 1990,

Portland General Electric Company (PGE) tendered for filing Attachment 1, tab 2 that was inadvertently omitted from its filing of February 9, 1990 in the above referenced dockets.

Comment date: March 8, 1990, in accordance with Standard Paragraph E at the end of this notice.

6. Central Hudson Gas & Electric Corporation

[Docket No. ER90-124-000]

February 22, 1990.

Take notice that Central Hudson Gas and Electric Corporation (Central Hudson), on February 20, 1990, tendered for filing, as a rate schedule, Amendment No. 1, dated February 16, 1990 between Central Hudson and Public Service of New Hampshire. The amendment to the proposed rate schedule clarifies the energy charge contained in section B of the agreement for the sale and purchase of 50 MW of capacity and related energy for the period November 1, 1989 to April 30, 1990.

Central Hudson states that copies of the subject filing has been served upon Public Service of New Hampshire.

Comment date: March 8, 1990, in accordance with Standard Paragraph E at the end of this notice.

7. O'Brien (Hicksville) Cogeneration, Inc.

[Docket No. QF90-86-000]

February 23, 1990.

On February 5, 1990, O'Brien (Hicksville) Cogeneration, Inc., of 225 South Eighth Street, Philadelphia, PA 19106, submitted for filing an application for certification of a facility as a qualifying cogeneration facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The topping-cycle cogeneration facility will be located in Hicksville, New York. The facility will consist of 5 reciprocating engine generating units, an oil heat exchanger and a heat recovery steam generator. Thermal energy recovered from the facility will be utilized by Ruco Polymer Corporation in the manufacturing of polyester resins and urethanes and for space heating. The electric power production capacity of the facility will be approximately 9 MW. The primary source of energy will be natural gas. Construction of the

facility is scheduled to begin August 1990.

Comment date: On or before April 4, 1990, in accordance with Standard Paragraph E at the end of this notice.

Exxon Chemical Americas and Exxon Company, U.S.A.

[Docket No. QF90-93-001]

February 23, 1990.

On February 16, 1990, Exxon Chemical Americas, a division of Exxon Chemical Company, P.O. Box 241, Baton Rouge, Louisiana 70821-0241 and Exxon Company, U.S.A. P.O. Box 551, Baton Rouge, Louisiana 70821-0051 (Applicants), submitted for filing an application for certification of a facility as a qualifying small power production facility pursuant to § 292.207 of the Commission's regulations. No determination has been made that the submittal constitutes a complete filing.

The small power production facility will be located at the Exxon Chemical Plant and Refinery Complex at Baton Rouge, Louisiana. The facility will include a steam turbine generator. The electric power production capacity of the facility will be 2.83 MW. The primary source of energy will be waste heat from an exothermic chemical reaction involving phthalic anhydride.

Comment date: On or before April 4, 1990, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph:

E. Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection.

Lois D. Cashell,

Secretary.

[FR Doc. 90-4884 Filed 3-2-90; 8:45 am]

BILLING CODE 6717-01-M

ENVIRONMENTAL PROTECTION AGENCY

[FRL-3729-5]

Agency Information Collection Activities Under OMB Review**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected burden.

DATES: Comments must be submitted on or before April 4, 1990.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of External Relations and Education

Title: President's Environmental Youth Awards (EPA ICR #0292.03; OMB #2090-0007). This ICR requests renewal of the existing clearance.

Abstract: This continuing program encourages awareness and understanding of environmental protection among the nation's youth. EPA regional offices collect and process applications from young people or groups of young people who complete environmental projects while in grades Kindergarten through 12 to earn a Presidential certificate or other recognition. The projects must be sponsored by at least one adult from their school, camp, youth group or public interest group. The one-page application, 3-5 page project description and the list of students' names are used to prepare certificates and determine national award winners.

Burden Statement: The public reporting burden for this collection of information is estimated to average 2.3 hours per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Young people or groups of young people who complete environmental projects while in grades Kindergarten through 12 under the direction of an adult leader.

Estimated Number of Respondents: 150.

Estimated Total Annual Burden on Respondents: 1725.

Frequency of Collection: Once per environmental project.

Send comments regarding the burden estimates, or any other aspect of this collection of information, including suggestions for reducing the burden, to: Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223), 401 M Street SW., Washington, DC 20460.

and

Marcus Peacock, Office of Management and Budget, Office of Management and Regulatory Affairs, 725 17th Street NW., Washington, DC 20503, Telephone: (202) 395-3084.

OMB Responses to Agency PRA Clearance Requests

EPA ICR #1188.03; Significant New Use Rules for Existing Chemicals; was approved 02/02/90; OMB #2070-0038; expires 02/29/93.

EPA ICR #1547.01; The Pesticides Enforcement and Applicator Certification Cooperative Agreements Output; was approved 02/06/90; OMB #2070-0113; expires 02/29/93.

EPA ICR #1552.01; Pretesting and Evaluation of Risk Communication Activities; was approved 01/22/90; OMB #2010-0022; expires 01/31/93.

EPA ICR #0597.04; Tolerance Petitions and New Inert Ingredient Clearance; was approved 02/01/90; OMB #2070-0024; expires 02/29/93.

Dated: February 23, 1990.

Paul Lapsley,

Director, Regulatory Management Division,
[FR Doc. 90-4915 Filed 3-2-90; 8:45 am]

BILLING CODE 6560-50-M

[FRL-3729-6]

Agency Information Collection Activities Under OMB Review**AGENCY:** Environmental Protection Agency (EPA).**ACTION:** Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for review and comment. The ICR describes the nature of the information collection and its expected cost and burden.

DATES: Comments must be submitted on or before April 4, 1990.

FOR FURTHER INFORMATION CONTACT: Sandy Farmer at EPA, (202) 382-2740.

SUPPLEMENTARY INFORMATION:

Office of Pesticides and Toxic Substances

Title: FIFRA Section 29 Annual Report on Conditional Registrations. (EPA ICR # 0601.03; OMB # 2070-0026). This ICR requests renewal of the existing clearance without changing the method of collection.

Abstract: Under section 29 of the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), the EPA must submit to Congress annual reports on pesticide products with conditional registrations. To accomplish this, EPA requests production figures from all pesticide manufacturers with conditionally registered products. EPA uses this information—together with registration data from its file—to report to Congress and to monitor compliance with the conditional registration program.

Burden Statement: The public reporting burden for this collection of information is estimated to average 1.5 hours per response. This estimate includes the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information.

Respondents: Manufacturers of conditionally registered pesticides.

Estimated No. of Respondents: 225.

Estimated Total Annual Burden on Respondents: 337.5 hours.

Frequency of Collection: On occasion.

Send comments regarding the burden estimates, or any other aspect of this collection of information, including suggestions for reducing the burden, to:

Sandy Farmer, U.S. Environmental Protection Agency, Information Policy Branch (PM-223), 401 M Street SW., Washington, DC 20460.

and

Tim Hunt, Office of Management and Budget, Paperwork Reduction Project (2070-0057), Telephone: (202) 395-3084.

OMB Responses to Agency PRA Clearance Request

EPA ICR # 0988.03; Water Quality Standards Regulation; was approved 01/19/90; OMB # 2040-0049; expires 01/31/93.

Dated: February 23, 1990.

Paul Lapsley,

Director, Regulatory Management Division,
[FR Doc. 90-4916 Filed 3-2-90; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATIONS COMMISSION

Applications for Consolidated Hearing; Cherokee Broadcasting Corp. et al.

1. The Commission has before it the following groups of mutually exclusive applications for three new FM stations:

Applicant, city/state	File No.	MM docket No.
I		
A. Cherokee Broadcasting Corporation; Centre, AL	BPH-880204MJ	90-71
B. Radio Centre, Inc.; Centre, AL	BPH-880209MF
C. Baker Enterprises, Inc.; Centre, AL	BPH-880210MO
Issue Heading and Applicants 1. Air Hazard A 2. Financial B 3. Comparative A,B,C 4. Ultimate A,B,C		
II		
A. Wrightsville Communications Company, Inc.; Wrightsville, AR	BPH-871109ME	90-61
B. DeLoney Broadcasting, Ltd.; Wrightsville, AR	BPH-871109MH
Issue Heading and Applicants 1. Comparative A,B 2. Ultimate A,B		
III		
1. Linda A. Morgan; Scranton, PA.	BPH-880113MB	90-69
2. University of Scranton; Scranton, PA.	BPED-880114MB
3. Ralph J. Lomma; Scranton, PA.	BPH-880114NF
Issue Heading and Applicants 1. Environmental A,C 2. Comparative A,B,C 3. Ultimate A,B,C		

2. Pursuant to section 309(e) of the Communications Act of 1934, as amended, the above applications have been designated for hearing in a consolidated proceeding upon the issues whose headings are set forth below. The text of each of these issues has been standardized and is set forth in its entirety under the corresponding headings at 51 FR 19347, May 29, 1986. The letter shown before each applicant's name, above, is used below to signify whether the issue in question applies to that particular applicant.

3. If there is any non-standardized issue in this proceeding, the full text of the issue and the applicants to which it applies are set forth in an Appendix to this Notice. A copy of the complete HDO in this proceeding is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text may also be purchased from the Commission's duplicating contractor, International Transcription Services, Inc., 2100 M Street, NW., Washington, DC 20037. (Telephone (202) 857-3800).

W. Jan Gay,
 Assistant Chief, Audio Services Division,
 Mass Media Bureau.
 [FR Doc. 90-4861 Filed 3-2-90; 8:45 am]
 BILLING CODE 6712-01-M

FEDERAL RESERVE SYSTEM

Norwest Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and section 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a

hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than March 26, 1990.

A. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. *Norwest Corporation*, Minneapolis, Minnesota; to acquire through its wholly-owned subsidiary, *Norwest Insurance Inc.*, assets of *Crop Hail Management*, which has its main office located in Kalispell, Montana, where it is engaged as a managing general agent distributing, through its independent network of agents operating in all 50 states, *Crop Hail Insurance* and *Multiple Peril Crop Insurance*. These policies provide coverage for adverse weather conditions and other catastrophes. *Norwest Corporation* and its subsidiaries are authorized to engage in insurance agency activities pursuant to section 4(c)(8)(G) of the Bank Holding Company Act, as amended, and § 225.25(b)(8) of the Board's Regulation Y. Upon consummation of this transaction, *Norwest Insurance Inc.* will engage in such activities throughout the country. Acting as agent for the 13 policy issuing underwriters, *Norwest Insurance Inc.* will also arrange for the reinsurance of all policies issued by those underwriters, in addition to contracting with loss adjustment contractors, filing reports required under reinsurance agreements, remitting premiums due or losses recoverable from reinsurers and the issuance or receipt of notices of termination with reinsurers.

Board of Governors of the Federal Reserve System, February 27, 1990.

Jennifer J. Johnson,
 Associate Secretary of the Board.
 [FR Doc. 90-4887 Filed 3-2-90; 8:45 am]
 BILLING CODE 6210-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 83F-0290]

Petrolite Corp.; Withdrawal of Food Additive Petition

AGENCY: Food and Drug Administration.
ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the

withdrawal, without prejudice to a future filing, of a food additive petition (FAP 3A3747) proposing that the food additive regulations be amended to provide for the safe use of synthetic petroleum wax as a component of microcapsules for spice-flavoring substances.

FOR FURTHER INFORMATION CONTACT: Emily M. Florio, Center for Food Safety and Applied Nutrition (HFF-334), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-429-9463.

SUPPLEMENTARY INFORMATION: In the Federal Register of September 29, 1983 (48 FR 44657), FDA published a notice that it had filed a petition (FAP 3A3747) from Petrolite Corp., Bareco Group, 6910 East 14th St., Tulsa, OK 74112, that proposed to amend the food additive regulations to provide for the safe use of synthetic petroleum wax as a component of microcapsules for spice-flavoring substances. Petrolite Corp. has now withdrawn the petition without prejudice to a future filing (21 CFR 171.7).

Dated: February 23, 1990.

Douglas L. Archer,

Acting Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 90-4892 Filed 3-2-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 90D-0040]

New Drug Applications; Guideline for the Study of Drugs Likely to be Used in the Elderly; Availability

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guideline titled "Guideline for the Study of Drugs Likely to be Used in the Elderly." This guideline provides detailed advice on the evaluation of new drugs in older patients. The guideline is intended to encourage routine and thorough evaluation of the effects of drugs in elderly populations so that physicians will have sufficient information to use drugs properly in their older patients.

ADDRESSES: Submit written requests for copies of the "Guideline for the Study of Drugs Likely to be Used in the Elderly" to the Legislative, Professional, and Consumer Affairs Branch (HFD-365), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist that office in processing your requests. Submit written comments on the

guideline to the Dockets Management Branch (HFA-305), Food and Drug Administration, Rm. 4-62, 5600 Fishers Lane, Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. A copy of the guideline and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Diane P. Goyette, Center for Drug Evaluation and Research (HFD-362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8049.

SUPPLEMENTARY INFORMATION: FDA is announcing the availability of a guideline on the testing of drugs likely to be used in the elderly. The guideline was developed because FDA and others recognized that many drugs, even those likely to be used in elderly patients, have not been studied fully in this population and that, as a consequence, there may be insufficient information available to guide therapy in these patients.

The guideline reflects comments received on a "Discussion Paper on Testing of Drugs in the Elderly" that FDA issued in 1983. That paper outlined a general approach for discussing ways of obtaining more and better information on the use of drugs in older patients. The approach had the following major features:

1. Drugs likely to be used in the elderly should be studied in populations that include sufficient numbers of older patients.
2. Safety and effectiveness data should be analyzed to determine specifically the influence of age, and the influence of other factors that can be age-related. These factors might include differences in renal or hepatic function, body composition, concomitant therapy, or concomitant illness.
3. Information should be developed on the pharmacokinetic effects of age and other conditions, such as those mentioned above, which can occur at any age, but are more common in the elderly.
4. Where appropriate, there should be specific studies conducted in the elderly to identify age-related differences in pharmacodynamic response (i.e., differences in blood level/response relationships).

The second of these four features—the need to analyze safety and effectiveness data to determine the influence of age—has been incorporated into FDA's "Guideline for the Format and Content of the Clinical and Statistical Sections of

New Drug Applications," a guideline proposed in January 1986 and made final in July 1988. That guideline asks that available safety and effectiveness results, as well as dose-response and blood level response data, be analyzed to determine whether they are influenced by such demographic factors as age, race, and sex, or by disease factors such as concomitant drugs or illness.

FDA is now issuing this guideline for the study of drugs in the elderly. It should be considered in conjunction with the existing FDA guideline entitled "General Considerations for the Clinical Evaluation of Drugs." It is intended to assure that treating physicians will have the information they need to use drugs properly in the elderly.

There is widespread agreement that many drugs, even those likely to be used in the elderly, have not always been extensively studied in elderly patients and that, as a consequence, there has often been little information available to guide therapy in such patients. It is known that older patients are more likely than younger patients to develop adverse reactions to drugs. Whether this is due to a true increase in susceptibility to adverse reactions once frequency of drug use is taken into account and, if so, whether this reflects the effect of age itself or results from increased likelihood of concomitant illness and concomitant drug therapy in older patients is not clear. For the purposes of this guideline, however, and for attaining the goal of better use of drugs in the elderly, these issues need not be resolved. There clearly are age-associated changes that can affect drug disposition and drug response. For example, a decline in renal function with age is often observed. Whether this decline is part of the aging process (some older people plainly do not experience such a decline), the result of unrecognized renal disease that is more common in older patients, or secondary to wide use of diuretics is not critical to proper use of drugs. What is critical is recognizing the greater likelihood of decreased renal function in the elderly, knowing how to assess the extent of the decrease, knowing which drugs might be affected by such a decrease, and knowing how to adjust therapy appropriately. This guideline is therefore directed toward the discovery of differences in drug sensitivity and pharmacokinetics in older populations, whether these differences are the result of aging itself or, perhaps more importantly, the result of conditions that are more common in the elderly, but

relevant to drug use in patients of any age. The recommendations contained in this guideline are based on four underlying observations and conclusions.

First, age-related differences in response to drugs can arise from pharmacokinetic differences (differences in the way a drug is absorbed, excreted, metabolized, or distributed) or pharmacodynamic differences (differences in the response to a given blood concentration of the drug).

Second, age itself is not the only characteristic of the elderly that could affect pharmacokinetic or pharmacodynamic responses to drugs. Many problems are probably not related to age, but to conditions that are more common in the elderly yet relevant to drug therapy in all ages. Approaches to studying drugs that produce the most information about such differences are therefore needed.

Third, evaluations of drugs in the elderly should focus particularly on potential pharmacokinetic differences. This is because known pharmacokinetic differences between young and elderly populations are, so far, more frequent than documented pharmacodynamic differences, because pharmacokinetic evaluations are relatively easy to accomplish, and because pharmacokinetic evaluations must be carried out first to allow intelligent assessment of pharmacodynamic differences or relationships.

Fourth, a conclusion that has generated considerable discussion throughout the development of this guideline, specific pharmacodynamic studies in the elderly are warranted only if age-related differences are suspected (e.g., because of clinical trial results), or appear particularly important, as may be the case of a drug with a low therapeutic index. The agency invites the comments of interested persons in further discussions of this position.

There is evidence that drug developers are becoming more attentive to the need to evaluate drugs in older patients. A survey in 1983 of a dozen recently approved or pending new drug applications showed that older patients (those over age 60) were included in reasonably large numbers in studies of most drugs. Nonetheless, it was unusual for a sponsor to direct specific attention to analyzing the data to see whether the older patients responded differently from younger ones; it was also unusual to see pharmacokinetic studies in older patients. A similar survey of new molecular entities approved in 1988 also showed that older patients represented

a significant fraction of patients in clinical trials. In contrast to 1983, however, almost all of the 1988 cases included analyses of the impact of age on the drug response (effectiveness and/or safety). Moreover, for the majority of the 1988-approved drugs intended for repeated systemic use, there were pharmacokinetic studies in the elderly and studies in patients with renal or hepatic functional impairment.

This progress reflects the growing awareness, perhaps in part stimulated by the 1983 discussion paper, of the need for better information on use of drugs in the elderly. This guideline on the testing of drugs in the elderly is meant to serve as a further stimulus to the development of this information, encouraging those sponsors who have not yet started to address the issue at all to begin, and suggesting additional steps to those sponsors who are already assessing the effects of their drugs in the elderly.

This notice and the associated guideline are issued under 21 CFR 10.90(b), which provides for the use of guidelines to establish procedures or standards of general applicability that are not legal requirements but are acceptable to the agency. A person who follows a guideline is assured that his or her conduct will be acceptable to the agency. A person may also choose to use alternate procedures even though they are not provided for in the guideline. A person who chooses to do so may discuss the matter further with the agency to prevent expenditure of money and effort on an alternate procedure that the agency may later determine to be unacceptable.

FDA welcomes comments on the principles and recommendations set forth in this guideline. Interested persons may submit written comments to the Dockets Management Branch (address above). Comments will be considered in shaping further guidance on this subject and determining whether amendments to, or revisions of, the guideline are warranted. Two copies of any comments should be submitted, except that individuals may submit one copy.

Dated: February 22, 1990.

Ronald G. Chesemore,
Associate Commissioner for Regulatory
Affairs.

[FR Doc. 90-4893 Filed 3-2-90; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 88N-258L]

Prescription Drug Marketing Act of 1987; Letter Setting Forth Agency Policies; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a letter to industry on the Prescription Drug Marketing Act of 1987 clarifying agency policy on returns of prescription drugs by a hospital, health care entity, or charitable institution to a manufacturer or wholesale distributor. The letter dated January 26, 1990, follows letters issued previously by FDA on August 1, 1988, and November 3, 1988.

DATES: Written comments by April 4, 1990.

ADDRESSES: Submit written requests for single copies of this letter to the Division of Regulatory Affairs (HFD-360), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fisher Lane, Rockville, MD 20857. Send two self-addressed adhesive labels to assist the Division in processing your requests. Submit written comments on the letter to the Dockets Management Branch (HFA-305), Food and Drug Administration, Room 4-62, 5600 Fishers Lane, Rockville, MD 20857. Requests and comments should be identified with the docket number found in brackets in the heading of this document. The letter and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Richard L. Arkin, Center for Drug Evaluation and Research (HFD-362), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8046.

SUPPLEMENTARY INFORMATION: On August 1 and November 3, 1988, FDA issued letters to regulated industry and other interested persons regarding the Prescription Drug Marketing Act of 1987 (PDMA) (Pub. L. 100-293, 102 Stat. 95). (See the *Federal Register* of August 8, 1988 [53 FR 29776] and November 7, 1988 [53 FR 44954].) In the August 1, 1988 and November 3, 1988, letters, FDA provided guidance to industry describing when a transfer of prescription drugs between a hospital, health care entity, or charitable institution would be considered a return rather than a sale or trade. FDA explained that the guidance letters were nonbinding and that they were issued for use during an interim period during

which the agency would develop rules for the new law through notice and comment rulemaking.

The August 1 and November 3, 1988, letters provided guidance on section 3 of PDMA. Section 3 prohibits, with certain exceptions, the sale, purchase, or trade (and the offer to sell, purchase, or trade) of a prescription drug by a hospital or health care entity; or the sale, purchase, or trade of a prescription drug donated or supplied at a reduced price to a charitable institution operating under section 501(c)(3) of the Internal Revenue Code of 1954.

Since issuance of the August 1 and November 3, 1988, guidance letters, the agency has received numerous comments that the guidance on returns has created hardships, with no apparent public health benefit, by changing the way hospitals and health care entities normally conduct business. FDA believes that changes in normal business conduct based on FDA's guidances are unwarranted during the interim period. Accordingly, the January 26, 1990, letter announces a revised interim policy guidance that allows legitimate returns of prescription drugs by hospitals and health care entities to manufacturers and wholesale distributors.

The information in the January 26, 1990, letter may be relied upon with assurance of its acceptability to FDA. The letter, however, does not state legal requirements beyond those found in the statute and existing regulations. Nor does the letter bind FDA should events occur before the issuance of a final rule that requires a change in FDA's policy. Changes in FDA's policy will be announced in future letters or notices. While the January 26, 1990, letter states that comments may be made no later than 60 days after the date of the letter, the comment period is being extended to April 4, 1990.

Interested persons may, on or before April 4, 1990, submit to the Dockets Management Branch (address above) written comments regarding the implementation of the new law and the information in the letter. Comments should be identified with the docket number found in the heading of this document and on the cover page of the letter. Two copies of any comments are to be submitted, except that individuals may submit one copy. Received comments and other information on this topic may be seen in the office above between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 23, 1990.

Ronald G. Chesebrough,
Associate Commissioner for Regulatory
Affairs.

[FR Doc. 90-4094 Filed 3-2-90; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

National Institutes of Health; Statement of Organization, Functions, and Delegations of Authority

Part H, Chapter HN (National Institutes of Health) of the Statement of Organization, Functions, and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently in pertinent part at 54 FR 48032, November 20, 1989), is amended to reflect the following changes within the National Cancer Institute (HNC): (1) Revise the functional statement of the Division of Cancer Biology and Diagnosis (HNC2); (2) change the title of the Division of Cancer Biology and Diagnosis (HNC2) to the Division of Cancer Biology, Diagnosis, and Centers (HNC2); and (3) revise the functional statement for the Division of Cancer Prevention and Control (HNC4). The changes outlined above are intended to: (1) Recognize the transfer of functions relating to the cancer centers, organ systems, construction and cancer training programs from the Division of Cancer Prevention and Control to the Division of Cancer Biology and Diagnosis; (2) strengthen the organization and management of the cancer centers program; and (3) emphasize the importance of the cancer centers program by making reference to it in the title of the retitled Division of Cancer Biology, Diagnosis, and Centers.

Section HN-B Organizations and Functions, is amended as follows:

(1) Under the heading *National Cancer Institute (HNC), Division of Cancer Biology and Diagnosis (HNC2)*, delete the title and the divisional functional statement in their entirety and substitute the following:

Division of Cancer Biology, Diagnosis, and Centers (HNC2). (1) Plans and directs the research activities of the Institute relating to cancer biology and diagnosis; (2) maintains surveillance over developments in its program and assesses the national need for research in cancer biology and diagnosis; (3) plans, directs and coordinates an extramural program of basic and applied research conducted at cancer centers and through the organ systems program; (4) plans and

administers an extramural program which supports and fosters cancer research training, cancer clinical education, and cancer research career development in order to assure the continuing existence of a national cadre of highly qualified individuals to work in the fields of cancer research, treatment and control; and (5) administers a program of support for the construction, alteration, renovation, and equipping of extramural research facilities that house or will house cancer research and/or treatment facilities.

(2) Under the heading *Division of Cancer Prevention and Control (HNC4)*, delete the divisional functional statement and substitute the following:

Division of Cancer Prevention and Control (HNC4). (1) Plans and directs the extramural program of cancer prevention and control research for the Institute; (2) plans and conducts an intramural program of laboratory, clinical, and biometric research on cancer prevention and control; (3) coordinates a number of geographically-based cancer surveillance systems and applies statistical, analytic, and other quantitative methods to monitor, evaluate, and report on cancer trends and the impact of cancer; (4) develops and supports research training and career development in cancer prevention and control; and (5) coordinates program activities with other divisions, institutes, or Federal and State agencies, and establishes liaison with professional and voluntary health agencies, cancer centers, labor organizations, cancer organizations and trade associations.

Dated: February 15, 1990.

William F. Raub,

Acting Director, NIH.

[FR Doc. 90-4938 Filed 3-2-90; 8:45am]

BILLING CODE 4140-01-M

Social Security Administration

Old-Age, Survivors, and Disability Programs; Meeting of the Advisory Council on Social Security

AGENCY: Social Security Administration, HHS.

ACTION: Notice of public meeting.

SUMMARY: In accordance with section 10(a) of the Federal Advisory Committee Act, this notice announces a meeting of the Advisory Council on Social Security (the Council).

DATES: March 8, 1990, 9 a.m. to 5:30 p.m., March 9, 1990, 9 a.m. to 4 p.m.

ADDRESS: Stouffer Concourse Hotel,
2399 Jefferson Davis Hwy., Arlington,
VA 22202, (703) 418-6800.

FOR FURTHER INFORMATION CONTACT:
Darleen DiGirolamo, Administrative
Officer, Advisory Council on Social
Security, rm. 638 G, Hubert H.
Humphrey Building, 200 Independence
Ave., SW., Washington, DC 20201, (202)
245-0217.

SUPPLEMENTARY INFORMATION:

I. Purpose

Under section 706 of the Social Security Act (the Act), the Secretary of Health and Human Services (the Secretary) appoints the Council every 4 years. The Council examines issues affecting the Social Security retirement, disability, and survivors insurance programs, as well as the Medicare and Medicaid programs, which were created under the Act.

In addition, the Secretary has asked the Council specifically to address the following:

- The adequacy of the Medicare program to meet the health and long-term care needs of our aged and disabled populations, the impact on Medicaid of the current financing structure for long-term care, and the need for more stable health care financing for the aged, the disabled, the poor, and the uninsured;
- Major Old-Age, Survivors and Disability Insurance (OASDI) financing issues, including the long-range financial status of the program, relationship of OASDI income and outgo to budget-deficit reduction efforts under the Balanced Budget and Emergency Deficit Control Act of 1985, and projected buildups in the OASDI trust funds; and
- Broad policy issues in Social Security, such as the role of Social Security in overall U.S. retirement income policy.

The Council is composed of 12 members: G. Lawrence Atkins, Robert M. Ball, Phillip Briggs, Lonnie R. Bristow, Theodore Cooper, John T. Dunlop, Karen Ignagni, James R. Jones, Paul O'Neill, A.L. "Pete" Singleton, John J. Sweeney, and Don C. Wegmiller. The chairperson is Ms. Deborah Steelman.

The Council is to report to the Secretary and Congress by January 1, 1991.

II. Agenda

The Council will discuss:

- Investment of the OASDI Trust Funds;
- The buildup of reserves in the OASDI Trust Funds;
- Short and long-term financing of the OASDI Trust Funds;
- The role of the OASDI payroll tax receipts and the Federal budget; and
- The role of Social Security in retirement income policy.

The agenda items are subject to change as priorities dictate.

The meeting is open to the public to the extent that space is available.

(Catalog of Federal Domestic Assistance Programs Nos. 13.802, Social Security-Disability Insurance; 13.803 Social Security-Retirement Insurance; 13.805 Social Security-Survivor's Insurance.)

Dated: February 25, 1990.

Ann D. LaBelle,

Executive Director, Advisory Council on Social Security.

[FR Doc. 90-4862 Filed 3-2-90; 8:45 am]

BILLING CODE 4190-11-M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Administration

[Docket No. N-90-3030]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other

available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the proposal and of the OMB Desk Officer for the Department.

Authority: Sec. 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; sec. 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 26, 1990.

John T. Murphy,

Information Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Mortgage Record Change.
Office: Housing.

Description of the Need for the Information and its Proposed Use: Mortgagees who participate in the HUD/FHA insurance programs must report mortgage portfolio activity to the Department regarding change of investor and/or servicer. HUD systems require current data to establish and collect insurance premiums, direct information, develop program data, and monitor mortgage activity.

Form Number: HUD-92080.

Respondents: Businesses or Other For-Profit.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	×	Frequency of response	×	Hous per response	=	Burden hours
HUD-92080	8,783		216.327		.1		190,000

Total Estimated Burden Hours:
190,000.

Status: Reinstatement.

Contact: Paul McDowell, HUD, (202) 755-5256; John Allison, OMB, (202) 395-6880.

Dated: February 28, 1990.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Neighborhood Development Demonstration Evaluation.

Office: Policy Development and Research.

Description of the Need for the Information and its Proposed Use: The Department will use the information

collected to evaluate the ability of neighborhood-based organizations to broaden their financial support raised within their neighborhoods in an effort to become more self-sufficient.

Form Number: None.

Respondents: Non-Profit Institutions.

Frequency of Submission: On Occasion.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
Neighborhood development demonstration evaluation requirements.....	390		1		.74		290

Total Estimated Burden Hours: 290.

Status: New.

Contact: Joseph D. Pandar, HUD, (202) 755-4370; John Allison, OMB, (202) 395-6880.

Dated: February 26, 1990.

[FR Doc. 90-4930 Filed 3-2-90; 8:45 am]

BILLING CODE 4210-01-M

[Docket No. N-90-3031]

Submission of Proposed Information Collection to OMB

AGENCY: Office of Administration, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below has been submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

ADDRESS: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and should be sent to: John Allison, OMB Desk Officer, Office of Management and Budget, New Executive Office Building, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: David S. Cristy, Reports Management

Officer, Department of Housing and Urban Development, 451 7th Street, SW., Washington, DC 20410, telephone (202) 755-6050. This is not a toll-free number. Copies of the proposed forms and other available documents submitted to OMB may be obtained from Mr. Cristy.

SUPPLEMENTARY INFORMATION: The Department has submitted the proposal for the collection of information, as described below, to OMB for review, as required by the Paperwork Reduction Act (44 U.S.C. chapter 35).

The Notice lists the following information: (1) The title of the information collection proposal; (2) the office of the agency to collect the information; (3) the description of the need for the information and its proposed use; (4) the agency form number, if applicable; (5) what members of the public will be affected by the proposal; (6) how frequently information submissions will be required; (7) an estimate of the total numbers of hours needed to prepare the information submission including number of respondents, frequency of response, and hours of response; (8) whether the proposal is new or an extension, reinstatement, or revision of an information collection requirement; and (9) the names and telephone numbers of an agency official familiar with the

proposal and of the OMB Desk Officer for the Department.

Authority: Section 3507 of the Paperwork Reduction Act, 44 U.S.C. 3507; Section 7(d) of the Department of Housing and Urban Development Act, 42 U.S.C. 3535(d).

Dated: February 23, 1990.

John T. Murphy,

Director, Information Policy and Management Division.

Notice of Submission of Proposed Information Collection to OMB

Proposal: Contract and Subcontract Reporting for Housing's Multifamily Program.

Office: Housing.

Description of the Need for the Information and its Proposed Use: The collection of data on minority business enterprise (MBE) participation in HUD programs is a Departmental responsibility and responds to Executive Orders 11625 and 12432. This information is vital for monitoring progress toward accomplishing MBE goal.

Form Number: HUD-2516.

Respondents: State or Local Governments, Businesses or Other For-Profit, Non-Profit Institutions, and Small Businesses or Organizations.

Frequency of Submission: Semi-Annually.

Reporting Burden:

	Number of respondents	x	Frequency of response	x	Hours per response	=	Burden hours
HUD-2516.....	733		2		1		1,466

Total Estimated Burden Hours: 1,466.
Status: Extension.

Contact: Robert Ratcliffe, HUD (202) 755-5720; John Allison, OMB, (202) 395-6880.

Dated: February 23, 1990.
[FR Doc. 90-4931 Filed 3-2-90; 8:45 am]
BILLING CODE 4210-01-M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of a Draft Recovery Plan for the Owens Tui Chub for Review and Comment; Endangered and Threatened Species

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The U.S. Fish and Wildlife Service (Service) announces the availability for public review of a draft recovery plan for the Owens tui chub. This species occurs in the Owens Valley of California. The Service solicits review and comment from the public on this draft plan.

DATES: Comments on the draft recovery plan must be received on or before May 4, 1990 to receive consideration by the Service.

ADDRESSES: Persons wishing to review the draft recovery plan may obtain a copy by contacting the Field Supervisor, Sacramento Field Office, U.S. Fish and Wildlife Service, 2800 Cottage Way, room E-1823, Sacramento, California 95825, or the Assistant Regional Director, Fish and Wildlife Enhancement, U.S. Fish and Wildlife Service, 1002 NE Holladay Street, Portland, Oregon 98232. Written comments and materials regarding the plan should be addressed to Mr. Gail Kobetich at the above Sacramento, California address. Comments and materials received are available on request for public inspection, by appointment, during normal business hours at the above Sacramento, California address.

FOR FURTHER INFORMATION CONTACT: Mr. Gail C. Kobetich at the above Sacramento, California address (telephone 916/978-4866 or FTS 460-4866).

SUPPLEMENTARY INFORMATION:

Background

Restoring endangered or threatened animals and plants to the point where they are again secure self-sustaining members of their ecosystems is a primary goal of the U.S. Fish and

Wildlife Service's endangered species program. To help guide the recovery effort, the Service is working to prepare recovery plans for most of the listed species native to the United States. Recovery plans describe actions considered necessary for the conservation of the species, establish criteria for the recovery levels for downlisting or delisting them, and estimate time and cost for implementing the recovery measures needed.

The Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 *et seq.*) requires the development of recovery plans for listed species unless such a plan would not promote the conservation of a particular species. Section 4(f) of the Act, as amended in 1988, requires that public notice and an opportunity for public review and comment be provided during recovery plan development. The Service will consider all information presented during a public comment period prior to approval of each new or revised recovery plan. The Service and other Federal agencies will also take these comments into account in the course of implementing approved recovery plans.

The Owens tui chub is native to the Owens River system of east-central California (Inyo and Mono Counties). The principal causes of its decline in distribution and abundance are habitat modifications, predation by introduced game fishes, and hybridization with the closely related Lahontan tui chub. Recovery efforts for the Owens tui chub will focus on maintaining favorable habitat conditions for the existing pure populations, preventing nonnative predators and competitors from invading the existing isolated habitats, and finding or creating additional isolated habitats within the native range into which Owens tui chubs can be reintroduced. Several public and private entities are cooperating in the Owens tui chub recovery program, including the Bureau of Land Management, U.S. Forest Service, California Department of Fish and Game, University of California Natural Reserve System, and Department of Water and Power of the City of Los Angeles.

Public Comments Solicited

The Service solicits written comments on the recovery plan described. All comments received by the date specified will be considered prior to approval of the plan.

Authority: The authority for this action is section 4(f) of the Endangered Species Act, 16 U.S.C. 1533(f).

Dated: February 23, 1990.
William E. Martin,
Acting Regional Director.
[FR Doc. 90-4925 Filed 3-2-90; 8:45 am]
BILLING CODE 4310-55-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 31606]

Exemption; Missouri Pacific Railroad Company—Trackage Rights Exemption—the Atchison, Topeka and Santa Fe Railway Company

The Atchison, Topeka and Santa Fe Railway Company has agreed to grant overhead trackage rights to Missouri Pacific Railroad Company between milepost 28.6 near Alvin and milepost 94.5 near Sealy, a distance of approximately 66 miles, in Brazoria, Ft. Bend, and Austin Counties, TX. The trackage rights were to become effective on or soon after February 20, 1990.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction. Pleadings must be filed with the Commission and served on: Jeanna L. Regier, 1416 Dodge Street, Omaha, NE 68179.

As a condition to the use of this exemption, any employees affected by the trackage rights will be protected pursuant to *Norfolk and Western Ry. Co.—Trackage Rights—BN, 354 I.C.C. 605 (1978)*, as modified in *Mendocino Coast Ry., Inc.—Lease and Operate, 360 I.C.C. 653 (1980)*.

Dated: February 27, 1990.
By the Commission, Jane F. Mackall,
Director, Office of Proceedings.
Noreta R. McGee,
Secretary.

[FR Doc. 90-4883 Filed 3-2-90; 8:45 am]
BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

Manufacturer of Controlled Substances; Application; Janssen Inc.

Pursuant to section 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on January 17, 1990, Janssen Inc., HC 02 Box 19250, Curabo, PR 00658-9629 made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Alfentanil (9737)	II
Sufentanil (9740)	II
Fentanyl (9801)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 4, 1990.

Dated: February 23, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-4867 Filed 03-02-90; 8:45 am]

BILLING CODE 4410-09-M

Manufacturer of Controlled Substances Application; Mallinckrodt Specialty Chemicals Co.

Pursuant to section 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on January 24, 1990, Mallinckrodt Specialty Chemicals Company, Mallinckrodt and Second Streets, St. Louis, Missouri 63147, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Cocaine (9041)	II
Codeine (9050)	II
Diprenorphine (9058)	II
Etorphine hydrochloride (9059)	II
Dihydrocodeine (9120)	II
Oxycodone (9143)	II
Hydromorphone (9150)	II
Diphenoxylate (9170)	II
Hydrocodone (9193)	II
Levorphanol (9220)	II
Methadone (9250)	II
Methadone-Intermediate, 4-cyano-2-dimethylamino-4, 4-diphenyl butane (9254)	II
Bulk dextropropoxyphene (non-dosage forms) (9273)	II
Morphine (9300)	II
Thebaine (9333)	II
Opium extracts (9610)	II
Opium fluid extracts (9620)	II
Tincture of opium (9630)	II

Drug	Schedule
Powdered opium (9639)	II
Granulated opium (9640)	II
Oxymorphone (9652)	II
Fentanyl (9801)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 4, 1990.

Dated: February 23, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-4868 Filed 03-02-90; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Manufacturer of Controlled Substances Application; McNeilab Inc.

Pursuant to Section 1301.43(a) of title 21 of the Code of Federal Regulations (CFR), this is notice that on January 10, 1990, McNeilab Inc., DBA Noramco of Delaware Inc., 500 Old Swedes Landing Road, Wilmington, DE 19801, made application to the Drug Enforcement Administration (DEA) for registration as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Codeine (9050)	II
Oxycodone (9143)	II
Hydrocodone (9193)	II
Morphine (9300)	II
Thebaine (9333)	II

Any other such applicant and any person who is presently registered with DEA to manufacture such substances may file comments or objections to the issuance of the above application and may also file a written request for a hearing thereon in accordance with 21 CFR 1301.54 and in the form prescribed by 21 CFR 1316.47.

Any such comments, objections or requests for a hearing may be addressed to the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration, United States Department of Justice, Washington, DC 20537, Attention: DEA Federal Register Representative (CCR), and must be filed no later than April 4, 1990.

Dated: February 23, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-4869 Filed 03-02-90; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF JUSTICE

Manufacturer of Controlled Substances Registration; Penick Corp.

By Notice dated October 12, 1989, and published in the Federal Register on October 24, 1989, (54 FR 43343), Penick Corporation, 158 Mount Olivet Avenue, Newark, New Jersey 07114 made application to the Drug Enforcement Administration to be registered as a bulk manufacturer of the basic classes of controlled substances listed below:

Drug	Schedule
Methylphenidate (1724)	II
Cocaine (9041)	II
Ecgonine (Benzoyllecgonine) (9180)	II
Dextropropoxyphene, bulk (non-dosage forms) (9273)	II
Oxymorphone (9652)	II

A registered manufacturer of Methylphenidate (1724) has requested a hearing. With the exception of Methylphenidate, no comments or objections have been received. Therefore, pursuant to section 303 of the Comprehensive Drug Abuse Prevention and Control Act of 1970 and title 21, Code of Federal Regulations, § 1301.54(e), the Deputy Assistant Administrator hereby orders that the application submitted by the above firm for registration as a bulk manufacturer of the basic classes of controlled substances listed above, with the exception of Methylphenidate (1724), is granted.

Dated: February 23, 1990.

Gene R. Haislip,

Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration.

[FR Doc. 90-4870 Filed 03-02-90; 8:45 am]

BILLING CODE 4410-09-M

DEPARTMENT OF LABOR**Pension and Welfare Benefits Administration**

[Application No. D-8012 et al.]

Proposed Exemptions; Merrill Lynch, Pierce, Fenner & Smith, Inc., et al.**AGENCY:** Pension and Welfare Benefits Administration, Labor.**ACTION:** Notice of proposed exemptions.

SUMMARY: This document contains notices of pendency before the Department of Labor (the Department) of proposed exemptions from certain of the prohibited transaction restriction of the Employee Retirement Income Security Act of 1974 (the Act) and/or the Internal Revenue Code of 1986 (the Code).

Written Comments and Hearing Requests

All interested persons are invited to submit written comments or request for a hearing on the pending exemptions, unless otherwise stated in the Notice of Pendency, within 45 days from the date of publication of this *Federal Register* Notice. Comments and request for a hearing should state the reasons for the writer's interest in pending exemption.

ADDRESSES: All written comments and requests for a hearing (at least three copies) should be sent to the Pension and Welfare Benefits Administration, Office of Regulations and Interpretations, Room N-5671, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210. Attention: Application No. stated in each Notice of Pendency. The applications for exemption and the comments received will be available for public inspection in the Public Documents Room of Pension and Welfare Benefit Programs, U.S. Department of Labor, Room N-5507, 200 Constitution Avenue, NW., Washington, DC 20210.

Notice of Interested Persons

Notice of the proposed exemptions will be provided to all interested persons in the manner agreed upon by the applicant and the Department within 15 days of the date of publication in the *Federal Register*. Such notice shall include a copy of the notice of pendency of the exemption as published in the *Federal Register* and shall inform interested persons of their right to comment and to request a hearing (where appropriate).

SUPPLEMENTARY INFORMATION: The proposed exemptions were requested in applications filed pursuant to section

408(a) of the Act and/or section 4975(c)(2) of the Code, and in accordance with procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). Effective December 31, 1978, section 102 of Reorganization Plan No. 4 of 1978 (43 FR 47713, October 17, 1978) transferred the authority of the Secretary of the Treasury to issue exemptions of the type requested to the Secretary of Labor. Therefore, these notices of pendency are issued solely by the Department.

The applications contain representations with regard to the proposed exemptions which are summarized below. Interested persons are referred to the applications on file with the Department for a complete statement of the facts and representations.

Merrill Lynch, Pierce, Fenner & Smith, Inc. (Merrill Lynch), Located in New York, NY

[Application No. D-8012]

Proposed Exemption**I. Transactions**

A. Effective March 31, 1987, the restrictions of sections 406(a) and 407(a) of the Act and the taxes imposed by section 4975 (a) and (b) of the Code by reason of section 4975(c)(1) (A) through (D) of the Code shall not apply to the following transactions involving trusts and certificates evidencing interests therein:

(1) The direct or indirect sale, exchange or transfer of certificates in the initial issuance of certificates between the sponsor or underwriter and an employee benefit plan when the sponsor, servicer, trustee or insurer of a trust, the underwriter of the certificates representing an interest in the trust, or an obligor is a party in interest with respect to such plan;

(2) The direct or indirect acquisition or disposition of certificates by a plan in the secondary market for such certificates; and

(3) The continued holding of certificates acquired by a plan pursuant to subsection I.A. (1) or (2).

Notwithstanding the foregoing, section I.A. does not provide an exemption from the restrictions of sections 406(a)(1)(E), 406(a)(2) and 407 for the acquisition or holding of a certificate on behalf of an Excluded Plan by any person who has discretionary authority or renders investment advice with respect to the assets of that Excluded Plan.¹

¹ Section I.A. provides no relief from sections 406(a)(1)(E), 406(a)(2) and 407 for any person rendering investment advice to an Excluded Plan

B. Effective March 31, 1987, the restrictions of sections 406(b)(1) and 406(b)(2) of the Act and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c)(1)(E) of the Code shall not apply to:

(1) The direct or indirect sale, exchange or transfer of certificates in the initial issuance of certificates between the sponsor or underwriter and a plan when the person who has discretionary authority or renders investment advice with respect to the investment of plan assets in the certificates is (a) an obligor with respect to 5 percent or less of the fair market value of obligations or receivables contained in the trust, or (b) an affiliate of a person described in (a); if:

(i) The plan is not an Excluded Plan;

(ii) Solely in the case of an acquisition of certificates in connection with the initial issuance of the certificates, at least 50 percent of each class of certificates in which plans have invested is acquired by persons independent of the members of the Restricted Group and at least 50 percent of the aggregate interest in the trust is acquired by persons independent of the Restricted Group;

(iii) A plan's investment in each class of certificates does not exceed 25 percent of all of the certificates of that class outstanding at the time of the acquisition; and

(iv) Immediately after the acquisition of the certificates, no more than 25 percent of the assets of a plan with respect to which the person has discretionary authority or renders investment advice are invested in certificates representing an interest in a trust containing assets sold or serviced by the same entity.² For purposes of this paragraph B.(1)(iv) only, an entity will not be considered to service assets contained in a trust if it is merely a subservicer of that trust;

(2) The direct or indirect acquisition or disposition of certificates by a plan in the secondary market for such certificates, provided that the conditions set forth in paragraphs B.(1)(i), (iii) and (iv) are met; and

within the meaning of section 3(21)(A)(ii) and regulation 29 CFR 2510.3-21(c).

² For purposes of this exemption, each plan participating in a commingled fund (such as a bank collective trust fund or insurance company pooled separate account) shall be considered to own the same proportionate undivided interest in each asset of the commingled fund as its proportionate interest in the total assets of the commingled fund as calculated on the most recent preceding valuation date of the fund.

(3) The continued holding of certificates acquired by a plan pursuant to subsection I.B.(1) or (2).

C. Effective March 31, 1987, the restrictions of sections 406(a), 406(b) and 407(a) of the Act, and the taxes imposed by section 4975(a) and (b) of the Code by reason of section 4975(c) of the Code, shall not apply to transactions in connection with the servicing, management and operation of a trust; provided:

(1) Such transaction are carried out in accordance with the terms of a binding pooling and servicing arrangement; and

(2) The pooling and servicing agreement is provided to, or described in all material respects in the prospectus or private placement memorandum provided to, investing plans before they purchase certificates issued by the trust.³

Notwithstanding the foregoing, section I.C. does not provide an exemption from the restrictions of section 406(b) of the Act or from the taxes imposed by reason of section 4975(b) of the Code for the receipt of a fee by a servicer of the trust from a person other than the trustee or sponsor, unless such fee constitutes a "qualified administrative fee" as defined in section III.S.

D. Effective March 31, 1987, the restrictions of sections 406(a) and 407(a) of the Act, and the taxes imposed by sections 4975(a) and (b) of the Code by reason of sections 4975(c)(1)(A) through (D) of the Code, shall not apply to any transactions to which those restrictions or taxes would otherwise apply merely because a person is deemed to be a party in interest or disqualified person (including a fiduciary) with respect to a plan by virtue of providing services to the plan (or by virtue of having a relationship to such service provider described in section 3(14)(F), (G), (H) or (I) of the Act or section 4975(e)(2)(F), (G), (H) or (I) of the Code), solely because of the plan's ownership of certificates.

II. General Conditions

A. The relief provided under part I is available only if the following conditions are met:

(1) The acquisition of certificates by a plan is on terms (including the certificate price) that are at least as

favorable to the plan as they would be in an arm's-length transaction with an unrelated party;

(2) The rights and interests evidenced by the certificates are not subordinated to the rights and interests evidenced by other certificates of the same trust;

(3) The certificates acquired by the plan have received a rating at the time of such acquisition that is in one of the three highest generic rating categories from either Standard & Poor's Corporation (S&P's), Moody's Investors Service, Inc. (Moody's), Duff & Phelps Inc. (D&P) or Fitch Investors Service, Inc. (Fitch);

(4) The trustee is not an affiliate of any member of the Restricted Group. However, the trustee shall not be considered to be an affiliate of a servicer solely because the trustee has succeeded to the rights and responsibilities of the servicer pursuant to the terms of a pooling and servicing agreement providing for such succession upon the occurrence of one or more events of default by the servicer;

(5) The sum of all payments made to and retained by the underwriters in connection with the distribution or placement of certificates represents not more than reasonable compensation for underwriting or placing the certificates; the sum of all payments made to and retained by the sponsor pursuant to the assignment of obligations (or interests therein) to the trust represents not more than the fair market value of such obligations (or interests); and the sum of all payments made to and retained by the servicer represents not more than reasonable compensation for the servicer's services under the pooling and servicing agreement and reimbursement of the servicer's reasonable expenses in connection therewith; and

(6) The plan investing in such certificates is an "accredited investor" as defined in Rule 501(a)(1) of Regulation D of the Securities and Exchange Commission under the Securities Act of 1933.

B. Neither any underwriter, sponsor, trustee, servicer, insurer, or any obligor, unless it or any of its affiliates has discretionary authority or renders investment advice with respect to the plan assets used by a plan to acquire certificates, shall be denied the relief provided under part I, if the provision of subsection II.A.(6) above is not satisfied with respect to acquisition or holding by a plan of such certificates, provided that (1) such condition is disclosed in the prospectus or private placement memorandum; and (2) in the case of a private placement of certificates, the trustee obtains a representation from

each initial purchaser which is a plan that it is in compliance with such condition, and obtains a covenant from each initial purchaser to the effect that, so long as such initial purchaser (or any transferee of such initial purchaser's certificates) is required to obtain from its transferee a representation regarding compliance with the Securities Act of 1933, any such transferees will be required to make a written representation regarding compliance with the condition set forth in subsection II.A.(6) above.

III. Definitions

For purposes of this exemption:

A. "Certificate" means:

(1) A certificate

(a) That represents a beneficial ownership interest in the assets of a trust; and

(b) That entitles the holder to pass-through payments of principal, interest, and/or other payments made with respect to the assets of such trust; or

(2) A certificate denominated as a debt instrument—

(a) That represents an interest in a Real Estate Mortgage Investment Conduit (REMIC) within the meaning of section 860D(a) of the Internal Revenue Code of 1986; and

(b) That is issued by and is an obligation of a trust;

With respect to certificates defined in (1) and (2) for which Merrill Lynch or any of its affiliates is either (i) the sole underwriter or the manager or co-manager of the underwriting syndicate, or (ii) a selling or placement agent. For purposes of this exemption, references to "certificates representing an interest in a trust" include certificates denominated as debt which are issued by a trust.

B. "Trust" means an investment pool, the corpus of which is held in trust and consists solely of:

(1) Either

(a) Secured consumer receivables that bear interest or are purchased at a discount (including, but not limited to, home equity loans and obligations secured by shares issued by a cooperative housing association);

(b) Secured credit instruments that bear interest or are purchased at a discount in transactions by or between business entities (including, but not limited to, qualified equipment notes secured by leases, as defined in section III.T);

(c) Obligations that bear interest or are purchased at a discount and which are secured by single-family residential, multi-family residential and commercial real property, (including obligations

³ In the case of a private placement memorandum, such memorandum must contain substantially the same information that would be disclosed in a prospectus if the offering of the certificates were made in a registered public offering under the Securities Act of 1933. In the Department's view, the private placement memorandum must contain sufficient information to permit plan fiduciaries to make informed investment decisions.

secured by leasehold interests on commercial real property);

(d) Obligations that bear interest or are purchased at a discount and which are secured by motor vehicles or equipment, or qualified motor vehicle leases (as defined in section III.U);

(e) "Guaranteed governmental mortgage pool certificates," as defined in 29 CFR 2510.3-101(i)(2);

(f) Fractional undivided interests in any of the obligations described in clauses (a)-(e) of this section B.(1);

(2) Property which had secured any of the obligations described in subsection B.(1);

(3) Undistributed cash or temporary investments made therewith maturing no later than the next date on which distributions are made to certificateholders; and

(4) Rights of the trustee under the pooling and servicing agreement, and rights under any insurance policies, third-party guarantees, contracts of suretyship and other credit support arrangements with respect to any obligations described in subsection B.(1).

Notwithstanding the foregoing, the term "trust" does not include any investment pool unless: (i) The investment pool consists only of assets of the type which have been included in other investment pools, (ii) certificates evidencing interests in such other investment pools have been rated in one of the three highest generic rating categories by S&P's, Moody's, D & P, or Fitch for at least one year prior to the plan's acquisition of certificates pursuant to this exemption, and (iii) certificates evidencing interests in such other investment pools have been purchased by investors other than plans for at least one year prior to the plan's acquisition of certificates pursuant to this exemption.

C. "Underwriter" means:

(1) Merrill Lynch;

(2) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by or under common control with Merrill Lynch; or

(3) Any member of an underwriting syndicate or selling group of which Merrill Lynch or a person described in (2) is a manager or co-manager with respect to the certificates.

D. "Sponsor" means the entity that organizes a trust by depositing obligations therein in exchange for certificates.

E. "Master Servicer" means the entity that is a party to the pooling and servicing agreement relating to trust assets and is fully responsible for servicing, directly or through subservicers, the assets of the trust.

F. "Subservicer" means an entity which, under the supervision of and on behalf of the master servicer, services loans contained in the trust, but is not a party to the pooling and servicing agreement.

G. "Servicer" means any entity which services loans contained in the trust, including the master servicer and any sub-servicer.

H. "Trustee" means the trustee of the trust, and in the case of certificates which are denominated as debt instruments, also means the trustee of the indenture trust.

I. "Insurer" means the insurer or guarantor of, or provider of other credit support for, a trust.

Notwithstanding the foregoing, a person is not an insurer solely because it holds securities representing an interest in a trust which are of a class subordinated to certificates representing an interest in the same trust.

J. "Obligor" means any person, other than the insurer, that is obligated to make payments with respect to any obligation or receivable included in the trust. Where a trust contains qualified motor vehicle leases or qualified equipment notes secured by leases, "obligor" shall also include any owner of property subject to any lease included in the trust, or subject to any lease securing an obligation included in the trust.

K. "Excluded Plan" means any plan with respect to which any member of the Restricted Group is a "plan sponsor" within the meaning of section 3(16)(B) of the Act.

L. "Restricted Group" with respect to a class of certificates means:

(1) Each underwriter;

(2) Each insurer;

(3) The sponsor;

(4) The trustee;

(5) Each servicer;

(6) Any obligor with respect to obligations or receivables included in the trust constituting more than 5 percent of the aggregate unamortized principal balance of the assets in the trust, determined on the date of the initial issuance of certificates by the trust; or

(7) Any affiliate of a person described in (1)-(6) above.

M. "Affiliate" of another person includes:

(1) Any person directly or indirectly, through one or more intermediaries, controlling, controlled by, or under common control with such other person;

(2) Any officer, director, partner, employee, relative (as defined in section 3(15) of the Act), a brother, a sister, or a spouse of a brother or sister of such other person; and

(3) Any corporation or partnership of which such other person is an officer, director or partner.

N. "Control" means the power to exercise a controlling influence over the management or policies of a person other than an individual.

O. A person will be "independent" of another person only if:

(1) Such person is not an affiliate of that other person; and

(2) The other person, or an affiliate thereof, is not a fiduciary who has investment management authority or renders investment advice with respect to any assets of such person.

P. "Sale" includes the entrance into a forward delivery commitment (as defined in section Q below), provided:

(1) The terms of the forward delivery commitment (including any fee paid to the investing plan) are no less favorable to the plan than they would be in an arm's length transaction with an unrelated party;

(2) The prospectus or private placement memorandum is provided to an investing plan prior to the time the plan enters into forward delivery commitment; and

3. At the time of the delivery, all conditions of this exemption applicable to sales are met.

Q. "Forward delivery commitment" means a contract for the purchase or sale of one or more certificates to be delivered at an agreed future settlement date. The term includes both mandatory contracts (which contemplate obligatory delivery and acceptance of the certificates) and optional contracts (which give one party the right but not the obligation to deliver certificates to, or demand delivery of certificates from, the other party).

R. "Reasonable compensation" has the same meaning as that term is defined in 29 CFR 2550.408c-2.

S. "Qualified Administrative Fee" means a fee which meets the following criteria:

(1) The fee is triggered by an act or failure to act by the obligor other than the normal timely payment of amounts owing in respect of the obligations;

(2) The servicer may not charge the fee absent the act or failure to act referred to in (1);

(3) The ability to charge the fee, the circumstances in which the fee may be charged, and an explanation of how the fee is calculated are set forth in the pooling and servicing agreement; and

4. The amount paid to investors in the trust will not be reduced by the amount of any such fee waived by the servicer.

T. "Qualified Equipment Note Secured By A Lease" means an equipment note:

- (a) Which is secured by equipment which is leased;
- (b) Which is secured by the obligation of the lessee to pay rent under the equipment lease; and
- (c) With respect to which the trust's security interest in the equipment is at least as protective of the rights of the trust as the trust would have if the equipment note were secured only by the equipment and not the lease.

U. "Qualified Motor Vehicle Lease" means a lease of a motor vehicle where:

- (a) The trust holds a security interest in the lease;
- (b) The trust holds a security interest in the leased motor vehicle; and
- (c) The trust's security interest in the leased motor vehicle is at least as protective of the trust's rights as the trust would receive under a motor vehicle installment loan contract.

V. "Pooling and Servicing Agreement" means the agreement or agreements among a sponsor, a servicer and the trustee establishing a trust. In the case of certificates which are denominated as debt instruments, "Pooling and Servicing Agreement" also includes the indenture entered into by the trustee of the trust issuing such certificates and the indenture trustee.

Effective Date: This exemption, if granted, will be effective for transactions occurring on or after March 31, 1987.

IV. Summary of Facts and Representations

1. Merrill Lynch, a leading international investment banking firm, provides financial advice to, and raises capital for, a broad range of domestic and international clients. Merrill Lynch and its affiliates manage and participate in public offerings and arrange direct placements of debt and equity securities in the domestic and international capital markets for both public and private sector issuers. These securities include common stock, preferred stock, tax-exempt securities and mortgage-related securities. Additionally, Merrill Lynch underwrites commercial paper as well as other short-term and medium-term securities.

Trust Assets

2. Merrill Lynch seeks exemptive relief to permit plans to invest in pass-through certificates representing undivided interests in the following categories of trusts: (1) Single and multi-family residential or commercial

mortgage investment trusts; (2) motor vehicle receivable investment trusts; (3) consumer or commercial receivables investment trusts; and (4) guaranteed governmental mortgage pool certificate investment trusts.⁵

3. Commercial mortgage investment trusts may include mortgages on ground leases of real property. Commercial mortgages are frequently secured by ground leases on the underlying property, rather than by fee simple interests. The separation of the fee simple interest and the ground lease interest is generally done for tax reasons. Properly structured, the pledge of the ground lease to secure a mortgage provides a lender with the same level of security as would be provided by a pledge of the related fee simple interest. The terms of the ground leases pledged to secure leasehold mortgages will in all cases be at least ten years longer than the term of such mortgages.

Trust Structure

4. Each trust is established under a pooling and servicing agreement among a sponsor, a servicer and a trustee. The sponsor or servicer of a trust selects assets to be included in the trust. These assets are receivables which may have been originated by a sponsor or servicer of the trust, an affiliate of the sponsor or servicer, or by an unrelated lender and subsequently acquired by the trust sponsor or servicer.

Prior to or concurrently with the closing date, the sponsor acquires legal title to all assets selected for the trust, establishes the trust and designates an independent entity as trustee. On the closing date, the sponsor conveys to the

⁵ The Department notes that PTE 83-1 [48 FR 895, January 7, 1983], a class exemption for mortgage pool investment trusts, would generally apply to trusts containing single-family residential mortgages, provided that the applicable conditions of PTE 83-1 are met. Merrill Lynch requests relief for single-family residential mortgages in this exemption because it would prefer one exemption for all trusts of similar structure. However, Merrill Lynch has stated that it may still avail itself of the exemptive relief provided by PTE 83-1.

⁶ Guaranteed governmental mortgage pool certificates are mortgage-backed securities with respect to which interest and principal payable is guaranteed by the Government National Mortgage Association (GNMA), the Federal Home Loan Mortgage Corporation (FHLMC), or the Federal National Mortgage Association (FNMA). The Department's regulation relating to the definition of plan assets (29 CFR 2510.3-101(i)) provides that where a plan acquires a guaranteed governmental mortgage pool certificate, the plan's assets include the certificate and all of its rights with respect to such certificate under applicable law, but do not, solely by reason of the plan's holding of such certificate, include any of the mortgages underlying such certificate. The applicant is requesting exemptive relief for trusts containing guaranteed governmental mortgage pool certificates because the certificates in the trusts are plan assets.

trust legal title to the assets, and the trustee issues certificates representing fractional undivided interests in the trust assets. Merrill Lynch, alone or together with other broker-dealers, acts as underwriter or placement agent with respect to the sale of the certificates. The majority of the public offerings of certificates made to date have been underwritten on a firm commitment basis. In addition, Merrill Lynch has privately placed certificates on both a firm commitment and an agency basis. Merrill Lynch may also act as the lead underwriter for a syndicate of securities underwriters.

Certificateholders are entitled to receive monthly, quarterly or semi-annual installments of principal and/or interest, or lease payments due on the receivables, adjusted, in the case of payments of interest, to a specified rate—the pass-through rate—which may be fixed or variable.

5. Some of the certificates will be multi-class certificates. Merrill Lynch requests exemptive relief for two types of multi-class certificates: "strip" certificates and "fast-pay/slow-pay" certificates. Strip certificates are a type of security in which the stream of interest payments on receivables is split from the flow of principal payments and separate classes of certificates are established, each representing rights to disproportionate payments of principal and interest.⁶

"Fast-pay/slow-pay" certificates involve the issuance of classes of certificates having different stated maturities or the same maturities with different payment schedules. Interest and/or principal payments received on the underlying receivables are distributed first to the class of certificates having the earliest stated maturity of principal and/or earlier payment schedule, and only when that class of certificates has been paid in full (or has received a specified amount) will distributions be made with respect to the second class of certificates. Distributions on certificates having later stated maturities will proceed in like manner until all the certificateholders have been paid in full. The only difference between this multi-class pass-

⁶ It is the Department's understanding that where a plan invests in REMIC "residual" interest certificates to which this exemption applies, some of the income received by the plan as a result of such investment may be considered unrelated business taxable income to the plan, which is subject to income tax under the Code. The Department emphasizes that the prudence requirement of section 404(a)(1)(B) of the Act would require plan fiduciaries to carefully consider this and other tax consequences prior to causing plan assets to be invested in certificates pursuant to this exemption.

through arrangement and a single-class pass-through arrangement is the order in which distributions are made to certificateholders. In each case, certificateholders will have a beneficial ownership interest in the underlying assets. In neither case will the rights of a plan purchasing certificates be subordinated to the rights of another certificateholder in the event of default on any of the underlying obligations. In particular, if the amount available for distribution to certificateholders is less than the amount required to be so distributed, all senior certificateholders then entitled to receive distributions will share in the amount distributed on a pro rata basis.⁷

6. For tax reasons, the trust must be maintained as an essentially passive entity. Therefore, both the sponsor's discretion and the servicer's discretion with respect to assets included in a trust are severely limited. Pooling and servicing agreements provide for the substitution of receivables by the sponsor only in the event of defects in documentation discovered within a limited time after the issuance of trust certificates. Any receivable so substituted is required to have characteristics substantially similar to the replaced receivable and will be at least as creditworthy as the replaced receivable.

In some cases, the affected receivable would be repurchased, with the purchase price applied as a payment on the affected receivable and passed through to certificateholders.

Parties to Transactions

7. The originator of a receivable is the entity that initially lends money to a borrower (obligor), such as a homeowner or automobile purchaser, or leases property to the lessee. The originator may either retain a receivable in its portfolio or sell it to a purchaser, such as a trust sponsor.

Originators of receivables included in the trusts will be entities that originate receivables in the ordinary course of their business, including finance companies, for whom such origination constitutes the bulk of their operations, financial institutions for whom such origination constitutes a substantial part of their operations, and any kind of manufacturer, merchant, or service enterprise for whom such origination is an incidental part of its operations. Each

trust may contain assets of one or more originators. The originator of the receivables may also function as the trust sponsor or servicer.

8. The sponsor will be one of three entities: (i) A special-purpose corporation unaffiliated with the servicer, (ii) a special-purpose or other corporation affiliated with the servicer, or (iii) the servicer itself. Where the sponsor is not also the servicer, the sponsor's role will generally be limited to acquiring the receivables to be included in the trust, establishing the trust, designating the trustee, and assigning the receivables to the trust.

9. The trustee of a trust is the legal owner of the obligations in the trust. The trustee is also a party to or beneficiary of all the documents and instruments deposited in the trust, and as such is responsible for enforcing all the rights created thereby in favor of certificateholders.

The trustee will be an independent entity, and therefore will be unrelated to Merrill Lynch, the trust sponsor or the servicer. Merrill Lynch represents that the trustee will be a substantial financial institution or trust company experienced in trust activities. The trustee receives a fee for its services, which will be paid by the sponsor, servicer or out of trust assets. The method of compensating the trustee will be specified in the pooling and servicing agreement and disclosed in the prospectus or private placement memorandum relating to the offering of the certificates.

10. The servicer of a trust administers the receivables on behalf of the certificateholders. The servicer's functions typically involve, among other things, notifying borrowers of amounts due on receivables, maintaining records of payments received on receivables and instituting foreclosure or similar proceedings in the event of default. In cases where a pool of receivables has been purchased from a number of different originators and deposited in a trust, it is common for the receivables to be "subserviced" by their respective originators and for a single entity to "master service" the pool of receivables on behalf of the owners of the related series of certificates. Where this arrangement is adopted, a receivable continues to be serviced from the perspective of the borrower by the local subservicer, while the investor's perspective is that the entire pool of receivables is serviced by a single, central master servicer who collects payments from the local subservicers and passes them through to certificateholders.

In most cases, the originator and servicer of receivables to be included in a trust and the sponsor of the trust (though they themselves may be related) will be unrelated to Merrill Lynch. In some cases, however, affiliates of Merrill Lynch may originate or service receivables included in a trust, or may sponsor a trust.

Certificate Price, Pass-Through Rate and Fees

11. Where the sponsor of a trust is not the originator of receivables included in a trust, the sponsor generally purchases the receivables in the secondary market, either directly from the originator or from another secondary market participant. The price the sponsor pays for a receivable is determined by competitive market forces, taking into account payment terms, interest rate, quality, and forecasts as to future interest rates.

As compensation for the receivables transferred to the trust, the sponsor receives certificates representing the entire beneficial interest in the trust, or the cash proceeds of the sale of such certificates. If the sponsor receives certificates from the trust, the sponsor sells all or a portion of these certificates for cash to investors or securities underwriters. In some transactions, the sponsor or an affiliate may retain a portion of the certificate for its own account. The transfer of the receivables to the trust by the sponsor, the sale of certificates to investors, and the receipt of the cash proceeds by the sponsor generally take place simultaneously.

12. The price of the certificates, both in the initial offering and in the secondary market, is affected by market forces including investor demand, the pass-through interest rate on the certificates in relation to the rate payable on investments of similar types and quality, expectations as to the effect on yield resulting from prepayment of underlying receivables, and expectations as to the likelihood of timely payment.

The pass-through rate for certificates is equal to the interest rate on receivables included in the trust minus a specified servicing fee.⁸ This rate is generally determined by the same market forces that determine the price of a certificate. The price of a certificate and its pass-through, or coupon, rate together determine the yield to

⁷ If a trust issues subordinate certificates, holders of such subordinate certificates may not share in the amount distributed on a pro rata basis. The Department notes that the exemption does not provide relief for plan investment in such subordinated certificates.

⁸ The pass-through rate on certificates representing interests in trusts holding leases is determined by breaking down lease payments into "principal" and "interest" components based on an implicit interest rate.

investors. If an investor purchases a certificate at less than par, that discount augments the stated pass-through rate; conversely, a certificate purchased at a premium yields less than the stated coupon.

13. As compensation for performing its servicing duties, the servicer (who may also be the sponsor, and receive fees for acting in that capacity) will retain the difference between payments received on the receivables in the trust and payments payable (at the pass-through rate) to certificateholders, except that in some cases a portion of the payments on receivables may be paid to a third party, such as a fee paid to a provider of credit support. The servicer may receive additional compensation by having the use of the amounts paid on the receivables between the time they are received by the servicer and the time they are due to the trust (which time is set forth in the pooling and servicing agreement). The servicer will be required to pay the administrative expenses of servicing the trust, including, in some cases, the trustee's fee, out of its servicing compensation.

The servicer is also compensated to the extent it may provide credit enhancement to the trust or otherwise arrange to obtain credit support from another party. This "credit support fee" may be aggregated with other servicing fees, and is either paid out of the interest income received on the receivables in excess of the pass-through rate or paid in a lump sum at the time the trust is established.

14. The servicer may be entitled to retain certain administrative fees paid by a third party, usually the obligor. These administrative fees fall into three categories: (a) prepayment fees; (b) late payment and payment extension fees; and (c) fees and charges associated with foreclosure or repossession, or other conversion of a secured position into cash proceeds, upon default of an obligation.

Compensation payable to the servicer will be set forth or referred to in the pooling and servicing agreement and described in reasonable detail in the prospectus or private placement memorandum relating to the certificates.

15. Payments on receivables may be made by obligors to the servicer at various times during the period preceding any date on which pass-through payments to the trust are due. In some cases, the pooling and servicing agreement may permit the servicer to place these payments in non-interest bearing accounts in itself or to commingle such payments with its own funds prior to the distribution dates. In these cases, the servicer would be

entitled to the benefit derived from the use of the funds between the date of payment on a receivable and the pass-through date. Commingled payments may not be protected from the creditors of the servicer in the event of the servicer's bankruptcy or receivership. In those instances when payments on receivables are held in non-interest bearing accounts or are commingled with the servicer's own funds, the servicer is required to deposit these payments by a date specified in the pooling and servicing agreement into an account from which the trustee makes payments to certificateholders.

16. Merrill Lynch will receive a fee in connection with the securities underwriting or private placement of certificates. In a firm commitment underwriting, this fee would consist of the difference between what Merrill Lynch receives for the certificates that it distributes and what it pays the sponsor for those certificates. In a private placement, the fee normally takes the form of an agency commission paid by the sponsor.

Purchase of Receivables by the Servicer

17. The applicant represents that as the principal amount of the receivables in a trust is reduced by payment, the cost of administering the trust generally increases, making the servicing of the trust prohibitively expensive at some point. Consequently, the pooling and servicing agreement generally provides that the servicer may purchase the receivables included in the trust when the aggregate unpaid balance payable on the receivables is reduced to a specified percentage (usually between 5 and 10 percent) of the initial aggregate unpaid balance.

The purchase price of a receivable is specified in the pooling and servicing agreement and will be at least equal to the unpaid principal balance on the receivable plus accrued interest, less any unreimbursed advances of principal made by the servicer.

Certificate Ratings

18. The certificates will have received one of the three highest ratings available from either S&P's, Moody's, D&P or Fitch. Insurance or other credit support will be obtained by the trust sponsor to the extent necessary for the certificates to attain the desired rating. The amount of this credit support is set by the rating agencies at a level that is a multiple of the worst historical net credit loss experience for the type of obligations included in the issuing trust.

Provision of Credit Support

19. In some cases, the master servicer, or an affiliate of the master servicer, may provide credit support to the trust (i.e., act as an insurer). Typically, in these cases, the master servicer, in its capacity as servicer, will first advance funds to the full extent that it determines that such advances will be recoverable (a) out of late payments by the obligors, (b) from the credit support provider (which may be itself) or, (c) in the case of a trust that issues subordinated certificates, from amounts otherwise distributable to holders of subordinated certificates, and the master servicer will advance such funds in a timely manner. In some transactions, however, the master servicer may not be obligated to advance funds, but instead would be called upon to provide funds to cover defaulted payments to the full extent of its obligations as insurer. When the servicer is the provider of the credit support and provides its own funds to cover defaulted payments, it will do so either on the initiative of the trustee, or on its own initiative on behalf of the trustee, but in either event it will provide such funds to cover payments to the full extent of its obligations under the credit support mechanism.

If the master servicer fails to advance funds, fails to call upon the credit support mechanism to provide funds to cover defaulted payments, or otherwise fails in its duties, the trustee would be required and would be able to enforce the certificateholders' rights, as both a party to the pooling and servicing agreement and the owner of the trust estate, including rights under the credit support mechanism. Therefore, the trustee, who is independent of the servicer, will have the ultimate right to enforce the credit support arrangement.

When a master servicer advances funds, the amount so advanced is recoverable by the servicer out of future payments on receivables held by the trust to the extent not covered by credit support. However, where the master servicer provides credit support to the trust, there are protections in place to guard against a delay in calling upon the credit support to take advantage of the fact that the credit support declines proportionally with the decrease in the principal amount of the obligations in the trust as payments on receivables are passed through to investors. These safeguards include:

(a) There is often a disincentive to postponing credit losses because the sooner repossession or foreclosure activities are commenced, the more

value that can be realized on the security for the obligation;

(b) The master servicer has servicing guidelines which include a general policy as to the allowable delinquency period after which an obligation ordinarily will be deemed uncollectible. The pooling and servicing agreement will require the master servicer to follow its normal servicing guidelines and will set forth the master servicer's general policy as to the period of time after which delinquent obligations ordinarily will be considered uncollectible;

(c) As frequently as payments are due on the receivables included in the trust (monthly, quarterly or semi-annually, as set forth in the pooling and servicing agreement), the master servicer is required to report to the independent trustee the amount of all past-due payments and the amount of all servicer advances, along with other current information as to collections on the receivables and draws upon the credit support. Further, the master servicer is required to deliver to the trustee annually a certificate of an executive officer of the master servicer stating that a review of the servicing activities has been made under such officer's supervision, and either stating that the master servicer has fulfilled all of its obligations under the pooling and servicing agreement or, if the master servicer has defaulted under any of its obligations, specifying any such default. The master servicer's reports are reviewed at least annually by independent accountants to ensure that the master servicer is following its normal servicing standards and that the master servicer's reports conform to the master servicer's internal accounting records. The results of the independent accountants' review are delivered to the trustee; and

(d) In cases where the master servicer and the insurer are affiliated or are the same entity, the credit support has a "floor" dollar amount that protects investors against the possibility that a large number of credit losses might occur towards the end of the life of the trust, whether due to servicer advances or any other cause. The floor amount may be a fixed dollar amount or a multiple of the balance of one or more of the largest obligations outstanding. Once the floor amount has been reached, the servicer lacks an incentive to postpone the recognition of credit losses because the credit support amount becomes a fixed dollar amount, subject to reduction only for actual draws. From the time that the floor amount is effective until the end of the life of the trust, there are no

proportionate reductions in the credit support amount caused by reductions in the pool principal balance. Indeed, where the floor is a fixed dollar amount, the amount of credit support ordinarily increases as a percentage of the pool principal balance during the period that the floor is in effect.

Disclosure

20. In connection with the original issuance of certificates, the prospectus or private placement memorandum will be furnished to investing plans. The prospectus or private placement memorandum will contain information material to a fiduciary's decision to invest in the certificates, including:

(a) Information concerning the payment terms of the certificates, the rating of the certificates, and any material risk factors with respect to the certificates;

(b) A description of the trust as a legal entity and a description of how the trust was formed by the seller/servicer or other sponsor of the transaction;

(c) Identification of the independent trustee for the trust;

(d) A description of the receivables contained in the trust, including the types of receivables, the diversification of the receivables, their principal terms, and their material legal aspects;

(e) A description of the sponsor and servicer;

(f) A description of the pooling and servicing agreement, including a description of the seller's principal representations and warranties as to the trust assets and the trustee's remedy for any breach thereof; a description of the procedures for collection of payments on receivables and for making distributions to investors, and a description of the accounts into which such payments are deposited and from which such distributions are made; identification of the servicing compensation and any fees for credit enhancement that are deducted from payments on receivables before distributions are made to investors; a description of periodic statements provided to the trustee, and provided to or made available to investors by the trustee; and a description of the events that constitute events of default under the pooling and servicing contract and a description of the trustee's and the investors' remedies incident thereto;

(g) A description of the credit support;

(h) A general discussion of the principal federal income tax consequences of the purchase, ownership and disposition of the pass-through securities by a typical investor;

(i) A description of the underwriters' plan for distributing the pass-through securities to investors; and

(j) Information about the scope and nature of the secondary market, if any, for the certificates.

21. Reports indicating the amount of payments of principal and interest are provided to certificateholders at least as frequently as distributions are made to certificateholders. Certificateholders will also be provided with periodic information statements setting forth material information concerning the underlying assets, including, where applicable, information as to the amount and number of delinquent and defaulted loans or receivables.

22. In the case of a trust that offers and sells certificates in a registered public offering, the trustee, the servicer or the sponsor will file such periodic reports as may be required to be filed under the Securities Exchange Act of 1934. Although some trusts that offer certificates in a public offering will file quarterly reports on Form 10-Q and Annual Reports on Form 10-K, many trusts obtain, by application to the Securities and Exchange Commission, a complete exemption from the requirement to file quarterly reports on Form 10-Q and a modification of the disclosure requirements for annual reports on Form 10-K. If such an exemption is obtained, these trusts normally would continue to have the obligation to file current reports on Form 8-K to report material developments concerning the trust and the certificates. While the Securities and Exchange Commission's interpretation of the periodic reporting requirements is subject to change, periodic reports concerning a trust will be filed to the extent required under the Securities Exchange Act of 1934.

23. At or about the time distributions are made to certificateholders, a report will be delivered to the trustee as to the status of the trust and its assets, including underlying obligations. Such report will typically contain information regarding the trust's assets, payments received or collected by the servicer, the amount of prepayments, delinquencies, servicer advances, defaults and foreclosures, the amount of any payments made pursuant to any credit support, and the amount of compensation payable to the servicer. Such report also will be delivered to or made available to the rating agency or agencies that have rated the trust's certificates.

In addition, promptly after each distribution date, certificateholders will receive a statement prepared by the

trustee summarizing information regarding the trust and its assets. Such statement will include information regarding the trust and its assets, including underlying receivables. Such statement will typically contain information regarding payments and prepayments, delinquencies, the remaining amount of the guaranty or other credit support and a breakdown of payments between principal and interest.

Secondary Market Transactions

24. It is Merrill Lynch's normal policy to attempt to make a market for securities for which it is lead or co-managing underwriter, and it is Merrill Lynch's intention to attempt to make a market for any certificates for which Merrill Lynch is lead or co-managing underwriter.

Retroactive Relief

25. Merrill Lynch has requested that the relief proposed herein be made retroactive to March 31, 1987, which is the date upon which Merrill Lynch states that the representations made herein and the conditions of this proposed exemption are satisfied. Merrill Lynch does not believe that it has engaged in any prohibited transactions that would be covered by the requested exemption. However, since March 31, 1987, it is possible that some transactions may have occurred that would be prohibited. For example, because many certificates are held in street or nominee name, it is not always possible to identify whether the percentage interest of plans in a trust is or is not "significant" for purposes of the Department's regulation relating to the definition of plan assets (29 CFR 2510.3-101(f)). These problems are compounded as transactions occur in the secondary market. In addition, with respect to the "publicly-offered security" exception contained in that regulation (29 CFR 2510.3-101(b)), it is difficult to determine whether each purchaser of a certificate is independent of all other purchasers.

Summary

26. In summary, the applicant represents that the transactions for which exemptive relief is requested satisfy the statutory criteria of section 408(a) of the Act due to the following:

(a) The trusts contain "fixed pools" of assets. There is little discretion on the part of the trust sponsor to substitute receivables contained in the trust once the trust has been formed;

(b) Certificates in which plans invest will have been rated in one of the three highest rating categories by S&P's, Moody's, D&P or Fitch. Credit support

will be obtained to the extent necessary to attain the desired rating;

(c) All transactions for which Merrill Lynch seeks exemptive relief will be governed by the pooling and servicing agreement, which is made available to plan fiduciaries for their review prior to the plan's investment in certificates;

(d) Exemptive relief from sections 406(b) and 407 for sales to plans is substantially limited; and

(e) Merrill Lynch has made, and anticipates that it will continue to make, a secondary market in certificates.

Discussion of Proposed Exemption

I. Differences between Proposed Exemption and Class Exemption PTE 83-1

The exemptive relief proposed herein is similar to that provided in PTE 81-7 [46 FR 7520, January 23, 1981], Class Exemption for Certain Transactions Involving Mortgage Pool Investment Trusts, amended and restated as PTE 83-1 (48 FR 895, January 7, 1983).

PTE 83-1 applies to mortgage pool investment trusts consisting of interest-bearing obligations secured by first or second mortgages or deeds of trust on single-family residential property. The exemption provides relief from sections 406(a) and 407 for the sale, exchange or transfer in the initial issuance of mortgage pool certificates between the trust sponsor and a plan, when the sponsor, trustee or insurer of the trust is a party-in-interest with respect to the plan, and the continued holding of such certificates, provided that the conditions set forth in the exemption are met. PTE 83-1 also provides exemptive relief from section 406 (b)(1) and (b)(2) of the Act for the above-described transactions when the sponsor, trustee or insurer of the trust is a fiduciary with respect to the plan assets invested in such certificates, provided that additional conditions set forth in the exemption are met. In particular, section 406(b) relief is conditioned upon the approval of the transaction by an independent fiduciary. Moreover, the total value of certificates purchased by a plan must not exceed 25 percent of the amount of the issue, and at least 50 percent of the aggregate amount of the issue must be acquired by persons independent of the trust sponsor, trustee or insurer. Finally, PTE 83-1 provides conditional exemptive relief from section 406 (a) and (b) of the Act for transactions in connection with the servicing and operation of the mortgage trust.

Under PTE 83-1, exemptive relief for the above transactions is conditioned upon the sponsor and the trustee of the mortgage trust maintaining a system for

insuring or otherwise protecting the pooled mortgage loans and the property securing such loans, and for indemnifying certificateholders against reductions in pass-through payments due to defaults in loan payments or property damage. This system must provide such protection and indemnification up to an amount not less than the greater of one percent of the aggregate principal balance of all trust mortgages or the principal balance of the largest mortgage.

The exemptive relief proposed herein differs from that provided by PTE 83-1 in the following major respects: (1) The proposed exemption provides individual exemptive relief rather than class relief; (2) The proposed exemption covers transactions involving trusts containing a broader range of assets than single-family residential mortgages; (3) Instead of requiring a system for insuring the pooled receivables, the proposed exemption conditions relief upon the certificates having received one of the three highest ratings available from S&P's, Moody's, D&P or Fitch (insurance or other credit support would be obtained only to the extent necessary for the certificates to attain the desiring rating); and (4) The proposed exemption provides more limited section 406(b) and section 407 relief for sales transactions.

II. Ratings of Certificates

After consideration of the representations of the applicant and information provided by S&P's, Moody's, D&P and Fitch, the Department has decided to condition exemptive relief upon the certificates having attained a rating in one of the three highest generic rating categories from S&P's, Moody's, D&P or Fitch. The Department believes that the rating condition will permit the applicant flexibility in structuring trusts containing a variety of mortgages and other receivables while ensuring that the interests of plans investing in certificates are protected. The Department also believes that the ratings are indicative of the relative safety of investments in trusts containing secured receivables. The Department is conditioning the proposed exemptive relief upon each particular type of asset-backed security having been rated in one of the three highest rating categories for at least one year and having been sold to investors other than plans for at least one year.⁹

⁹ In referring to different "types" of asset-backed securities, the Department means certificates representing interests in trusts containing different "types" of receivables, such as single family residential mortgages, multi-family residential

III. Limited Section 406(b) and Section 407(a) Relief for Sales

Merrill Lynch represents that in some cases a trust sponsor, trustee, servicer, insurer, and obligor with respect to receivables contained in a trust, or an underwriter of certificates may be a pre-existing party in interest with respect to an investing plan.¹⁰ In these cases, a direct or indirect sale of certificates by that party in interest to the plan would be a prohibited sale or exchange of property under section 406(a)(1)(A) of the Act.¹¹ Likewise, issues are raised under section 406(a)(1)(D) of the Act where a plan fiduciary causes a plan to purchase certificates where trust funds will be used to benefit a party in interest.

Additionally, Merrill Lynch represents that a trust sponsor, trustee, insurer, and obligor with respect to receivables contained in a trust, or an underwriter of certificates representing an interest in a trust may be a fiduciary with respect to an investing plan. Merrill Lynch, represents that the exercise of fiduciary authority by any of these parties to cause the plan to invest in certificates representing an interest in the trust would violate section 406(b)(1), and in some cases section 406(b)(2), of the Act.

Moreover, Merrill Lynch represents that to the extent there is a plan asset "look through" to the underlying assets of a trust, the investment in certificates by a plan covering employees of an obligor under receivables contained in a trust may be prohibited by sections 406(a) and 407(a) of the Act.

After consideration of the issues involved, the Department has determined to provide the limited

sections 406(b) and 407(a) relief as specified in the proposed exemption. **FOR FURTHER INFORMATION CONTACT:** Mr. Gary H. Lefkowitz of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Ausherman Construction Co. Employees' Profit Sharing Plan (the Plan) Located in Frederick, MD

[Application No. D-8114]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of section 406 (a), (b)(1) and (b)(2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the lease (the Lease) by the Plan to Ausherman Construction Company (the Employer), the Plan sponsor and, as such, a party in interest with respect to the Plan, of certain improved real property (the Property) located in Walkersville, Maryland; provided that the terms and conditions of the transaction are at least as favorable to the Plan as those obtainable in an arm's-length transaction between unrelated parties.

Effective Date: If granted, this exemption will be effective June 22, 1989.

Summary of Facts and Representations

1. The Plan, effective March 29, 1967, is a defined contribution plan with 75 participants and assets valued at \$2,685,987 as of March 31, 1988. The trustee and administrator of the Plan is Marvin E. Ausherman, a Vice President of the Employer. The Employer is incorporated in the state of Maryland and is in the business of residential home development and construction.

2. The Property is located at Lot 284, Deer Run Road, Deerfield Subdivision (the Subdivision), in Walkersville, Frederick County, Maryland. The Property consists of a two-story detached house located on a 15,541 square foot lot. The Employer recently constructed this house and has used it as a model home in connection with the sale of the remaining residences in the same Subdivision.

The Plan acquired the Property on December 15, 1988. Deed to the Property is recorded in the name of Joseph S. Welty, as special trustee (the Independent Fiduciary). The Independent Fiduciary was appointed

under a special trust agreement dated December 15, 1988 to hold, manage and lease the Property on behalf of the Plan.

The Property was appraised on August 3, 1988 by Dolores J. Taschner, an associate with McPherson, Six and Associates, Inc. (McPherson), and A. Wayne Six, S.R.A., also of McPherson (collectively, the Appraisers). The Appraisers determined the fair market value of the Property to be \$180,000 as of the date of appraisal. The Appraisers further determined that, as of August 3, 1988, the fair market rental value of the Property was \$1,000.

3. The Plan has leased the Property back to the Employer pursuant to a written lease (the Lease) effective December 15, 1988.¹² The term of the Lease is two years. The Lease requires equal monthly rental payments of \$1,350. In addition, the Employer will pay for maintenance, utilities and taxes on the Property. By amendment dated September 8, 1989, the Lease permits renewal for two additional one-year terms. Such renewal will be renegotiated at the sole discretion of the Plan's Independent Fiduciary.

4. The Employer has now requested an exemption to permit the Plan's continued Lease of the Property to the Employer. During the Lease term, the Employer has used and intends to continue using the Property as a model home in connection with the sale of the remaining residences in the same Subdivision. Upon termination of the Lease, the Plan will sell the Property to an unrelated third party. The applicant represents that a model home generally is sold last in a subdivision and at a higher price than the other residences sold earlier in a developed subdivision.

5. The Plan's Independent Fiduciary represents that he is independent of the Employer and that although his law firm (the Firm) provides legal services to the Employer, less than 1% of the gross income of the Firm is derived from the Employer. The Independent Fiduciary further represents that he has been in the practice of law in Frederick, Maryland for 15 years specializing in trust and estate planning and administration. He has an active commercial practice and is familiar with leases for model homes between independent investors and home-builders.

The Independent Fiduciary has represented that his appointment on

¹² In this regard, the Employer has represented that it will file a Form 5330, Return of Initial Excise Tax Relating to Pension and Profit Sharing Plans, and pay applicable excise tax in connection with the past leasing of the Property within sixty (60) days of the grant of this proposed exemption.

mortgages, commercial mortgages, home equity loans, auto loan receivables, installment obligations for consumer durables secured by purchase money security interests, etc. The Department intends this condition to require that certificates in which a plan invests are of the type that have been rated (in one of the three highest generic rating categories by S&P's, D&P, Fitch or Moody's) and purchased by investors other than plans for at least one year prior to the plan's investment pursuant to the proposed exemption. In this regard, the Department does not intend to require that the particular assets contained in a trust must have been "seasoned" (e.g., originated at least one year prior to the plan's investment in the trust).

¹⁰ In this regard, we note that the exemptive relief proposed herein is limited to certificates with respect to which Merrill Lynch or any of its affiliates is either (a) the sole underwriter or manager or co-manager of the underwriting syndicate, or (b) a selling or placement agent.

¹¹ The applicant represents that where a trust sponsor is an affiliate of Merrill Lynch, sales to plans by the sponsor may be exempt under PTE 75-1, part II (relating to purchases and sales of securities by broker-dealers and their affiliates), if Merrill Lynch is not a fiduciary with respect to plan assets to be invested in certificates.

December 15, 1988 did not include the function of determining the availability of an exemption from the Department. Accordingly, the Independent Fiduciary proceeded with the Lease of the Property to the Employer without an exemption after concluding that the Property should not remain vacant and unused. As of June 22, 1989, he acknowledged his responsibility as Independent Fiduciary to the Plan and specifically analyzed the Lease transaction in terms of the Act.

6. The Independent Fiduciary has reviewed the terms of the Lease and the Appraisers' report. He notes that, in general, such leases provide a cash return on original price between 8.75% to 11% depending on such factors as the interest rates at the time of the execution of a lease, the purchase price, the builder, the quality of construction and the location of and neighborhood surrounding the underlying real estate. Based upon this type of analysis, he concludes that the Employer's monthly rental payment of \$1,350 under the Lease is advantageous to the Plan and provides a 9% cash return.

The Independent Fiduciary will monitor the Lease for its duration and will take any and all actions to safeguard the interests of the Plan. Moreover, he represents that he has the authority so to act. The Independent Fiduciary further represents that he has the sole discretion to renegotiate the terms of the Lease in the event he determines any of the two one-year renewals permitted under the Lease to be appropriate.

7. In summary, the applicant represents that the proposed transaction meets the statutory criteria of section 408(a) of the Act because: (a) The Lease has been reviewed by an Independent Fiduciary; (b) said Independent Fiduciary has determined that the Lease is commercially feasible and in the best interest of the Plan; (c) the Independent Fiduciary will monitor the Lease for its duration and will take any and all actions to safeguard the interests of the Plan; (d) the Plan will receive monthly rental payments under the Lease in excess of the fair market rental value determined by the qualified independent Appraisers; and (e) the Employer has represented that it will file a Form 5330, Return of Initial Excise Tax Relating to Pension and Profit Sharing Plans, and pay applicable excise tax in connection with the past leasing of the Property within sixty (60) days of the grant of this proposed exemption.

Tax Consequences of Transaction

The Department of the Treasury has determined that if a transaction between

a qualified employee benefit plan and its sponsoring employer (or affiliate thereof) results in the Plan either paying less than or receiving more than fair market value, such excess may be considered to be a contribution by the sponsoring employer to the plan and therefore must be examined under applicable provisions of the Internal Revenue Code, including sections 401(a)(4), 404 and 415.

FOR FURTHER INFORMATION CONTACT: Mrs. B.S. Scott of the Department of Labor, telephone (202) 523-8883. (This is not a toll-free number.)

Craig A. Eisenhart, D.M.D. Money Purchase Pension Plan and Profit Sharing Plan (the Plans) Located in Huntingdon, Pennsylvania

[Applications Nos. D-8143 and D-8144]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the restrictions of sections 406(a) and 406(b) (1) and (2) of the Act and the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the purchase of certain shares of stock for the segregated accounts of Craig A. Eisenhart (Eisenhart) in the Plans from Craig A. Eisenhart, D.M.D. (the Employer), a party in interest with respect to the Plans, provided that the Plans paid no more than fair market value for the shares and that the transaction accounted for no more than 25 percent of the assets in Eisenhart's accounts at the time of purchase.

Effective Date: If granted, this proposed exemption will be effective as of March 3, 1988.

Summary of Facts and Representations

1. The Employer is a professional corporation operating a dental practice. The Money Purchase Plan had four participants and total assets of \$214,661 as of July 31, 1987. On the same date, the Profit Sharing Plan had four participants and total assets of \$227,622. Both Plans provide individual, segregated accounts for each participant. Eisenhart is the trustee of both Plans.

2. The assets in Eisenhart's segregated account in the Money Purchase Plan totaled \$202,164 as of July 31, 1987. The assets in Eisenhart's account in the Profit Sharing Plan amounted to \$198,948 on that date. On March 3, 1988, at the direction of Eisenhart, the Plans

purchased from the Employer certain shares of stock for Eisenhart's accounts in the Plans.

The Money Purchase Plan purchased for Eisenhart's account 100 shares of AT&T Corporation for a total of \$2,375 and 150 shares of Philadelphia Suburban Corporation for \$2,218. The Profit Sharing Plan acquired for the account of Eisenhart 100 shares of Sears, Roebuck & Company for \$3,845. In all cases, the shares were acquired at prices on or below the closing prices for shares of the above named companies listed on the New York Stock Exchange (NYSE) on March 3, 1988. The market value of the shares of stock purchased by the Plans on March 3, 1988, as established by NYSE closing prices was \$9,162 (100 shares of AT&T at \$28 3/4 per share, 150 shares of Philadelphia Suburban at \$16 and 100 shares of Sears, Roebuck at \$38 3/4). Compared to the total purchase cost to the Plans of \$8,436, the resultant savings to the Plans were \$726.

3. The purchase of the shares of stock was made entirely for cash and the Plans paid no commissions or fees in connection with the purchase. The transaction accounted for well under 25 percent of the assets in Eisenhart's accounts in both Plans at the time of purchase. The purchase was made as an investment for Eisenhart's accounts in both Plans so that the accounts could acquire the securities at or below market value without incurring any commissions.

4. In summary, the applicant represents that the transaction satisfied the statutory criteria of section 408(a) of the Act because: (1) The shares of stock were purchased at prices on or below fair market value as established by listings on the New York Stock Exchange; (2) the Plans paid no commissions or fees in regard to the purchase; (3) the transaction accounted for less than 25 percent of the assets in Eisenhart's accounts at the time of purchase; and (4) the purchase was made only for Eisenhart's segregated accounts in the Plans and did not affect the assets of other participants in the Plans.

FOR FURTHER INFORMATION CONTACT: Paul Kelly of the Department, telephone (202) 523-8194. (This is not a toll-free number.)

Oak Enterprises, Inc. Defined Benefit Pension Plan (the Plan) Located in Beverly Hills, CA

[Application No. D-8155]

Proposed Exemption

The Department is considering granting an exemption under the

authority of section 408(a) of the Act and section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed cash sale (the Sale) of certain real property (the Property) by the Plan to Mrs. Susan Skerritt, a disqualified person with respect to the Plan, provided that the sales prices for the property is the greater of either the sum of \$72,000 or the fair market value of the Property on the date of the Sale.

Summary of Facts and Representations

1. The Plan is a defined benefit plan with total assets of \$178,735.25, as of December 31, 1988. Mr. Thomas R. Skerritt (the Applicant), who is a professional movie actor, is the fiduciary of the Plan and its only participant as well as the sole shareholder of the sponsor of the Plan, Oak Enterprises, Inc. (the Employer).¹³

2. The Property was acquired by the Plan on April 26, 1988, for investment purposes from an unrelated third party for the sum of \$60,000. It is a parcel of unimproved real property located in San Juan County, Washington. The Property not only does not generate any income for the Plan, but is also subject to real property taxes and expenses for maintenance.

As of February 20, 1989, the Property was appraised by independent appraiser, Mike Aiken, SRA, Mount Vernon, Washington. He determined that the fair market value of the Property is \$72,000.

3. The Applicant proposes that the Plan sell for cash the Property to his wife, Mrs. Susan Skerritt, for the greater of either \$72,000 or the fair market value of the Property on the date of the Sale. Mrs. Skerritt, who desires to acquire the Property for the purpose of building a residence thereon, will pay all closing costs involved in the Sale. No brokerage commissions or other expenses of the Sale will be incurred by the Plan. The Sale will enable the Plan to invest the proceeds in income producing investments and avoid incurring expenses in maintaining the Property.

4. In summary, the Applicant represents that the proposed transaction will satisfy the statutory criteria for an

exemption under section 4975(c)(2) of the Code because (a) the proposed Sale will be a one-time transaction for cash; (b) the Plan will receive either the greater of the sum of \$72,000 or the fair market value of the Property on the date of the Sale as determined by a qualified, independent appraiser; (c) the Plan will not pay any real estate commissions nor any other fees or expenses in connection with the proposed Sale; and (d) the Applicant, who is the only participant affected by the proposed transaction, desires that the proposed transaction be consummated.

NOTICE TO INTERESTED PERSONS: Since Mr. Thomas R. Skerritt is the sole owner of the Employer and the only participant of the Plan, it has been determined that there is not need to distribute the notice of the proposed exemption to interested persons. Comments and requests for a hearing are due 30 days after publication of this notice in the *Federal Register*.

FOR FURTHER INFORMATION CONTACT: Mr. C.E. Beaver of the Department, telephone (202) 523-8881. (This is not a toll-free number.)

Individual Retirement Accounts of Joseph E. Robbins and Selma Robbins (together, the IRAs) Located in New York, NY

[Application No. D-8272]

Proposed Exemption

The Department is considering granting an exemption under the authority of section 4975(c)(2) of the Code and in accordance with the procedures set forth in ERISA Procedure 75-1 (40 FR 18471, April 28, 1975). If the exemption is granted, the sanctions resulting from the application of section 4975 of the Code, by reason of section 4975(c)(1) (A) through (E) of the Code, shall not apply to the proposed purchase by the IRAs of certain 7% Senior Notes of Pope, Evans and Robbins, Inc. (the Notes) from Joseph E. Robbins (Mr. Robbins), a disqualified person with respect to the IRAs, provided that (1) the sales price is no greater than the fair market value of the Notes on the date of sale, and (2) the fair market value of the Notes to be acquired by each IRA will not exceed 10% of the total assets of such IRA on the date of sale.¹⁴

Summary of Facts and Representations

1. The IRAs are individual retirement accounts described in section 408(a) of the Code. Mr. Robbins has two IRAs

and his wife, Selma Robbins (Ms. Robbins), has three IRAs. As of October 27, 1989, the IRAs had total assets of approximately \$513,000. Mr. Robbins' IRAs had total assets of approximately \$205,194 and Ms. Robbins' IRAs had total assets of approximately \$308,020, as of that date. Mr. Robbins and Ms. Robbins (together, the Robbins') are the only participants in their respective IRAs and have reserved the right to direct their IRAs' investments.

The trustees of Mr. Robbins' IRAs are Merrill Lynch Pierce Fenner & Smith, Inc. (Merrill Lynch) and the American Savings Bank (American) located in New York, New York. The trustees of Ms. Robbins' IRAs are Merrill Lynch, American, and the Dollar Dry Dock Bank of New York, New York.

2. Pope, Evans and Robbins, Inc. (PER) and its subsidiaries, PAT Fashions and DeRothchild Knitwear, are principally engaged in the importation and distribution of fashion apparel. Mr. Robbins is an officer and director of PER. The common stock of PER is traded on the Philadelphia Stock Exchange. The Robbins' own approximately 2.88% of the issued and outstanding stock of PER. The applicant states that PER is not a disqualified person with respect to the IRAs.

3. The Notes are general obligations of PER having an aggregate principal amount of \$36,000,000, which mature on May 15, 1998. Each Note has a face amount of \$1000. Interest on the Notes is payable semi-annually on May 15 and November 15 of each year at the rate of 7% per annum. PER may pay all or any part of the interest due on the Notes through the issuance of additional Notes at 95% of face value. The Notes were issued by PER in September 1983 in connection with a restructuring of PER's public debt. Mr. Robbins received some of the Notes as a result of a previous loan he made to PER in July 1987. The Notes held by Mr. Robbins have a total principal amount of \$500,000.

4. The applicant states that a market in the Notes is maintained on the Philadelphia Stock Exchange (the Exchange). By letter dated November 8, 1989, Stephen J. McEwen, a listing representative for the Exchange, states that the Notes traded on the Exchange at 10% of their face value on October 31, 1989. The applicant states further that PER recently received an offer from S & S Investments, an investment broker in New York, New York, to purchase all of the Notes at 10% of their face value.

5. Mr. Robbins proposes to sell his entire interest in the Notes (i.e., \$500,000 principal amount plus accrued interest from date of exchange) to the IRAs. The

¹³ Since Mr. Thomas R. Skerritt is the sole shareholder of the Employer and is the only participant of the Plan, there is no jurisdiction under title I of the Act pursuant to 29 CFR 2510.3-3(b). However, there is jurisdiction under title II of the Act pursuant to section 4975 of the Code.

¹⁴ Pursuant to the provisions contained in 29 CFR 2510.3-2(d), the IRAs are not subject to title I of the Act. However, the IRAs are subject to title II of the Act pursuant to section 4975 of the Code.

sale price for the Notes will be set at their fair market value as the date of sale. The Notes would have a total fair market value of \$50,000, based on the market prices listed on the Exchange as of October 31, 1989.

The applicant states that the fair market value of the Notes to be acquired by each IRA will not exceed 10% of the total assets of such IRA on the date of sale. In addition, the IRAs will not pay any sales commissions or other expenses in connection with the transactions.

6. The applicant represents that the proposed transactions are in the best interests of the IRAs. The applicant states that the Notes are an attractive investment for the IRAs because the holder of the Notes will have the opportunity to see an appreciation in the value of the Notes when PER develops into a more profitable company as a result of the restructuring of its public debt.

7. In summary, the applicant represents that the proposed transactions will meet the statutory criteria of section 4975(c)(2) of the Code because: (a) The sale of the Notes to IRAs will be one-time transactions for cash; (b) the Notes will be valued at their fair market value on the Exchange, as of the date of sale; (c) no sales commissions or other expenses will be incurred by the IRAs in connection with the transactions; and (d) the Robbins', who are the only persons affected by the transactions, believe that the transactions are appropriate for the IRAs and desire that the transactions be consummated.

NOTICE TO INTERESTED PERSONS:

Because the Robbins' are the only participants in the respective IRAs, it has been determined that there is no need to distribute the notice of proposed exemption to interested persons. Comments and requests for a hearing must be received within 30 days of the date of publication of this notice of proposed exemption in the Federal Register.

FOR FURTHER INFORMATION CONTACT:

Mr. E.F. Williams of the Department, telephone (202) 523-8883. (This is not a toll-free number.)

General Information

The attention of interested persons is directed to the following:

(1) The fact that a transaction is the subject of an exemption under section 404(a) of the Act and/or section 4975(c)(2) of the Code does not relieve a fiduciary or other party in interest or disqualified person from certain other provisions of the Act and/or the Code,

including any prohibited transaction provisions to which the exemption does not apply and the general fiduciary responsibility provisions of section 404 of the Act, which among other things require a fiduciary to discharge his duties respecting the plan solely in the interest of the participants and beneficiaries of the plan and in a prudent fashion in accordance with section 404(a)(1)(B) of the Act; nor does it affect the requirement of section 401(a) of the Code that the plan must operate for the exclusive benefit of the employees of the employer maintaining the plan and their beneficiaries;

(2) Before an exemption may be granted under section 408(a) of the Act and/or section 4975(c)(2) of the Code, the Department must find that the exemption is administratively feasible, in the interests of the plan and of its participants and beneficiaries and protective of the rights of participants and beneficiaries of the plan;

(3) The proposed exemptions, if granted, will be supplemental to, and not in derogation of, any other provisions of the Act and/or the code, including statutory or administrative exemptions and transitional rules. Furthermore, the fact that a transaction is subject to an administrative or statutory exemption is not dispositive of whether the transaction is in fact a prohibited transaction.

(4) The proposed exemptions, if granted, will be subject to the express condition that the material facts and representations contained in each application are true and complete, and that which application accurately describes all material terms of the transaction which is the subject of the exemption.

Signed at Washington, DC, this 28th day of February, 1990.

Ivan Strassfeld,

Director of Exemption Determinations,
Pension and Welfare Benefits Administration,
U.S. Department of Labor.

[FR Doc. 90-4901 Filed 3-2-90; 8:45 am]

BILLING CODE 4510-29-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Expansion Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Expansion Arts Advisory Panel (Performing Arts—Theater Section) to the National Council on the Arts will be held on March 20-22, 1990 from 9 a.m.-6 p.m. in room 714 of

the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 20, 1990, from 9 a.m.-10:30 a.m. and on March 22 from 2:45 p.m.-6 p.m. The topics for discussion will be general program overview and policy discussion.

The remaining portions of this meeting on March 20, 1990, from 10:30 a.m.-6 p.m., on March 21 from 9 a.m.-6 p.m., and on March 22 from 9 a.m.-2:45 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the Federal Register of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682-5532, TTY 202/682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Office, National Endowment for the Arts, Washington, DC 20506, or call 202/682-5433.

Dated: February 22, 1990.

Yvonne M. Sabine,

Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 90-4919 Filed 3-2-90; 8:45 am]

BILLING CODE 7537-01-M

Media Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Media Arts Advisory Panel (Radio Projects; Radio Programming in the Arts Section) to the National Council on the Arts will be held on March 20-21, 1990, from 9:15 a.m.-7:30 p.m. and on March 22 from 9:15 a.m.-5:30 p.m. in room 716 of the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

The meeting is for the purpose of Panel review, discussion, evaluation, and recommendation on applications for

financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the Agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsections (c) (4), (6) and (9)(B) of section 552b of title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: February 22, 1990.

Yvonne M. Sabine,

Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 90-4920 Filed 3-2-90; 8:45 am]

BILLING CODE 7537-01-M

Theater Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92-463), as amended, notice is hereby given that a meeting of the Theater Advisory Panel (Professional Companies Prescreening Section) to the National Council on the Arts will be held on March 5, 1990, from 9:30 a.m. to 6 p.m., and on March 6 from 9:30 a.m. to 5 p.m., in room M07 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on March 5, 1990, from 9:30 a.m. to 10 a.m. The topic will be opening remarks.

The remaining portions of this meeting on March 5, 1990, from 10 a.m. to 6 p.m., and March 6 from 9:30 a.m. to 5 p.m., are for the purposes of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman published in the *Federal Register* of February 13, 1980, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of title 5, United States Code.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100

Pennsylvania Avenue NW., Washington, DC 20506, (202) 682-5332, TTY (202) 682-5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682-5433.

Dated: February 1, 1990.

Yvonne M. Sabine,

Director, Council and Panel Operations,
National Endowment for the Arts.

[FR Doc. 90-5084 Filed 3-2-90; 8:45 am]

BILLING CODE 7537-01-M

NUCLEAR REGULATORY COMMISSION

Sacramento Municipal Utility District; Environmental Assessment and Finding of No Significant Impact

[Docket No. 50-312]

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an exemption from the requirements of 10 CFR part 50, appendix J to the Sacramento Municipal Utility District (SMUD, the licensee) for the Rancho Seco Nuclear Generating Station located in Sacramento County, California.

Environmental Assessment

Identification of Proposed Action

The proposed action would grant an exemption from the requirements to perform primary containment leakage testing per 10 CFR part 50, appendix J. By letter dated October 10, 1989, the licensee requested an exemption from the requirements of 10 CFR part 50, appendix J.

The Need for the Proposed Action

The requirements of 10 CFR part 50, appendix J do not allow licensees to discontinue the performance of primary reactor containment leakage testing when containment integrity is not required due to plant condition. According to the licensee's Technical Specifications, containment integrity is not required when the reactor vessel is defueled and all the fuel is removed from the reactor building and stored in the Spent Fuel Pool.

The licensee ceased power operations at Rancho Seco on June 7, 1989 and completed defueling the reactor vessel on December 8, 1989, with all fuel stored in the Spent Fuel Pool. The request for an exemption from performing primary reactor containment testing per 10 CFR

part 50, appendix J is based on the above plant conditions and the licensee's intent to not resume power operations at Rancho Seco.

Environmental Impact of the Proposed Action

The proposed exemption does not affect the risk of facility accidents due to the defueled condition of the plant. With the reactor vessel defueled and all fuel stored in the Spent Fuel Pool, there are no longer any creditable design basis accidents associated with the reactor building. The post-accident radiological releases will not differ from those determined previously, and the proposed exemption does not otherwise affect facility radiological effluents, or any significant occupational exposures. With regard to potential non-radiological effluents, the proposed exemption does not affect plant non-radiological effluents and has no other adverse environmental impact. Therefore, the Commission concludes there are no measurable radiological or non-radiological environmental impacts associated with the proposed exemption.

Since the Commission has concluded there is no measurable environmental impact associated with the proposed exemption, any alternative either will have no environmental impact or will have a greater environmental impact. The principal alternative to the exemption would be to require the performance of the containment leakage tests. Such action would not enhance the protection of the environment and would result in unnecessary drain of licensee and Commission resources.

Alternative Use of Resources

This action does not involve the use of resources not considered previously in the Final Environmental Statement for the Rancho Seco Nuclear Generating Station.

Agencies and Persons Consulted

The NRC staff reviewed the licensee's request and did not consult other agencies or persons.

Finding of No Significant Impact

The Commission has determined not to prepare an environmental impact statement for the proposed exemption. Based upon the environmental assessment, the NRC staff concludes that the proposed action will not have a significant effect on the quality of the human environment.

For details with respect to this action, see the licensee's submittal dated

October 20, 1989, which is available for public inspection at the Commission's Public Document Room, Gelman Building 2129 L Street, NW., Washington, DC and at the local public document room for Rancho Seco at the Martin Luther King Regional Library, 7430 24th Street Bypass, Sacramento, California 95813.

Dated at Rockville, Maryland, this 26th day of February, 1990.

For the Nuclear Regulatory Commission.
Harry Rood,

*Acting Director, Project Directorate V,
Division of Reactor Projects—III, IV, V and
Special Projects, Office of Nuclear Reactor
Regulation.*

[FR Doc. 90-4900 Filed 03-02-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-254 and 50-256; License
Nos. DPR-29 and DPR-30, EA 90-032]

**Commonwealth Edison Company;
Quad Cities Nuclear Power Station;
Order Modifying License (Effective
Immediately)**

I

The Commonwealth Edison Company (Licensee) is the holder of Operating License Nos. DPR-29 and 30 (the Licenses) issued by the Nuclear Regulatory Commission (NRC/Commission) pursuant to 10 CFR part 50. The Licenses authorize the Licensee to operate the Quad Cities Nuclear Power Station, Units 1 and 2 (Quad Cities or facility) located in Rock Island County, Illinois. The Licenses were issued by the Nuclear Regulatory Commission on October 1, 1971 and April 6, 1972, respectively.

II

The NRC licenses individuals pursuant to 10 CFR part 55, Operator's License, to direct fuel handling activities. The operator license requires the individual to observe the operating procedures and other conditions specified in the facility license. Technical Specification 6.2.A.2, a condition of the Quad Cities Nuclear Power Station Licenses, requires that refueling activities be accomplished in accordance with approved procedures. Facility procedures that implement this requirement include QFP 100-1, Master Refueling Procedure, and QTP 1103-1, Preparation of Nuclear Component Transfer List. QFP 100-1 details the administrative controls to be taken to assure that all core alterations will be performed in a safe and orderly manner. Steps C.2 and F.3, QFP 100-1 require continuous communication between the control room and the refueling floor.

Step D.5 requires that the control room be informed of any action that will affect the core reactivity. Section F specifies how QTP 1103-1 is to be used to implement core alterations. Step F.2 requires that steps on the Nuclear Component Transfer List (NCTL) must be performed in the exact order listed or the steps must be changed in accordance with QTP 1103-1. In turn, QTP 1103-1, Step E.1 and Step F.6, require that any deviation from the NCTL must be authorized by the Nuclear Engineer on duty.

On October 17, 1989, refueling activities were being conducted at Quad Cities Nuclear Power Station, Unit 1, by Mr. Robert L. Dickherber, a Fuel Handling Foreman with a Senior Operator License Limited to Fuel Handling issued pursuant to 10 CFR Part 55, and two non-licensed Fuel Handlers. An approved copy of the NCTL was being used at the job site and continuous communication with the control room was initially established. During the reactor refueling, a fuel assembly was erroneously placed in the wrong core location.

Through an ongoing NRC investigation (Investigation No. 3-89-015) of undocumented fuel moves that occurred on October 17, 1989, the NRC has concluded that Mr. Robert L. Dickherber directed the two Fuel Handlers of the refueling crew to perform an unauthorized fuel manipulation to correct a fuel load error. This was in violation of station refueling procedures QFP 100-1, Steps D.5 and F.2, and QTP 1103-1, Steps E.1 and F.6, in that the fuel manipulation was not specified in a NCTL, an approved deviation to the NCTL was not obtained prior to fuel movement, and the control room was not informed of the action that affected core reactivity.

The unauthorized fuel manipulation by Mr. Dickherber occurred immediately after he was reminded by a Fuel Handler of the need to comply with the requirements of facility procedures QFP 100-1 and QTP 1103-1. While the fuel manipulation that was unauthorized by station procedures took place, Mr. Dickherber failed to assure that constant communication was maintained with the control room as required by QFP 100-1, Steps C.2 and F.3. As a result, the control room personnel were not notified, as required, of the fuel manipulation to assure that core monitoring required by QFP 100-1 took place. QFD 100-1 and QTP 1103-1 are procedures required by Technical Specification 6.2.A.2. They thus are NRC requirements Mr. Dickherber was required to adhere to by the terms of his Senior Operator License. Based on the

above, it appears that on October 17, 1989, Mr. Robert L. Dickherber willfully violated NRC requirements during refueling activities.

III

NRC regulations require that activities that can affect the reactivity of the reactor core be conducted by well-trained and qualified personnel under the supervision of a senior licensed operator, and in accordance with approved procedures. After a fuel load error was discovered, Mr. Dickherber directed that an unauthorized fuel movement take place in violation of Quad Cities QFP 100-1, Master Refueling Procedure, and QTP 1103-1, Preparation of Nuclear Component Transfer List. Both Fuel Handlers recognized that Mr. Dickherber's instructions violated procedural requirements, but complied with those instructions and failed to notify the Nuclear Engineer in the control room of the fuel move. No emergency condition or other extenuating circumstance existed which might have warranted a departure from license conditions or Technical Specifications pursuant to 10 CFR 50.54(x).

Mr. Dickherber's willful violation of Commission requirements, including the conditions of his 10 CFR part 55 Senior Operator's License, is unacceptable and I have issued a separate Order suspending Mr. Dickherber's 10 CFR part 55 license. Furthermore, I lack the requisite reasonable assurance that, with Mr. Dickherber involved in any activities licensed under 10 CFR part 50, the Licensee's current operations can be conducted such that the health and safety of the public, including the Licensee's employees, will be protected. Therefore, the public health and safety require that License Nos. DPR-29 and 30 be modified to prohibit Mr. Robert L. Dickherber from involvement in licensed activities under these licenses. Furthermore, pursuant to 10 CFR 2.204, I find that the public health and safety require, in view of the willfulness of the violation, that this Order must be effective immediately.

IV

Accordingly, pursuant to sections 103, 161b, 161c, 161i, and 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.204 and 10 CFR part 50, it is hereby ordered, effective immediately, that:

License Nos. DPR-29 and 30 are modified by adding the following condition:

Mr. Robert L. Dickherber shall not participate in any licensed activity under License Nos. DPR-29 and DPR-30 without prior written approval of the Regional Administrator, Region III. If such approval is sought, the Licensee shall provide a statement as to its basis for concluding that, in light of Mr. Dickherber's conduct on October 17, 1989, he will properly carry out activities.

The Regional Administrator, Region III, may relax or terminate this condition for good cause shown.

V

The Licensee, Mr. Dickherber, or any other person adversely affected by the License Modification ordered in section IV above may submit an answer to this Order within 20 days of the date of this Order. The answer may set forth the matters of law on which the Licensee or Mr. Dickherber or any other person adversely affected relies and the reasons as to why the Order should not have been issued. An answer filed within 20 days of the date of this Order may also request a hearing. Any answer and/or request for hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention Chief, Docketing and Services Section. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, the Assistant General Counsel for Hearings and Enforcement at the same address, and to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which the person's interest is adversely affected by the Order and should address the criteria set forth in 10 CFR 2.714(d). A Request for a Hearing shall not stay the Immediate Effectiveness of this Order. If a hearing is requested, the Commission will issue an Order designating the time and place of any hearing. If a hearing is held, the issue to be considered at such hearing shall be whether this Order should be sustained.

Dated at Rockville, Maryland this 23rd day of February 1990.

For the Nuclear Regulatory Commission,
Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

[FR Doc. 90-4899 Filed 03-02-90; 8:45 am]

BILLING CODE 7590-01-M

[License No. SOP-2365-8; Docket No. 55-5043 EA 90-031]

R.L. Dickherber; Order Suspending License (Effective Immediately) and Order To Show Cause Why License Should Not Be Revoked

I

Mr. R.L. Dickherber (Licensee) is the holder of Senior Operator License Limited to Fuel Handling No. 2365-8 (License) issued by the Nuclear Regulatory Commission (NRC/Commission) on March 12, 1975. He is employed by the Commonwealth Edison Company and is authorized to manipulate the controls limited to fuel handling of the reactors at Quad Cities Nuclear Power Station, Units 1 and 2 (Quad Cities or facility). The License was last renewed on March 12, 1989 and is due to expire on March 12, 1995.

II

The NRC licenses individuals pursuant to 10 CFR part 55, Operator's License, to direct fuel handling activities. The operator license requires the individual to observe the operating procedures and other conditions specified in the facility license. Technical Specification 6.2.A.2, a condition of the Quad Cities Nuclear Power Station Licenses, requires that refueling activities be accomplished in accordance with approved procedures. Facility procedures that implement this requirement include QFP 100-1, Master Refueling Procedure, and QTP 1103-1, Preparation of Nuclear Component Transfer List. QFP 100-1 details the administrative controls to be taken to assure that all core alterations will be performed in a safe and orderly manner. Steps C.2 and F.3 of QFP 100-1 require continuous communication between the control room and the refueling floor. Step D.5 requires that the control room be informed of any action that will affect the core reactivity. Section F specifies how QTP 1103-1 is to be used to implement core alterations. Step F.2 requires that steps on the Nuclear Component Transfer List (NCTL) must be performed in the exact order listed or the steps must be changed in accordance with QTP 1103-1. In turn, QTP 1103-1, Step E.1 and Step F.6 of QTP 1103-1, require that any deviation from or change to the NCTL must be authorized by the Nuclear Engineer on duty.

On October 17, 1989, refueling activities were being conducted at Quad Cities Nuclear Power Station, Unit 1, by Mr. Robert L. Dickherber, a Fuel Handling Foreman with a Senior Operator License Limited to Fuel

Handling, issued pursuant to 10 CFR part 55, and two non-licensed Fuel Handlers. An approved copy of the NCTL was being used at the job site and continuous communication with the control room was initially established. During the reactor refueling, a fuel assembly was erroneously placed in the wrong core location.

Through an ongoing NRC investigation (Investigation No. 3-89-015) of undocumented fuel moves that occurred on October 17, 1989, the NRC has concluded that Mr. Robert L. Dickherber, directed the two Fuel Handlers of the refueling crew to perform an unauthorized fuel manipulation to correct a fuel load error. This was in violation of station refueling procedures QFP 100-1, Steps D.5 and F.2, and QTP 1103-1, Steps E.1 and F.6, in that the fuel manipulation was not specified in a NCTL, an approved deviation to the NCTL was not obtained prior to fuel movement, and the control room was not informed of the action that affected core reactivity.

The unauthorized fuel manipulation by Mr. Dickherber occurred immediately after he was reminded by a Fuel Handler of the need to comply with the requirements of facility procedures QFP 100-1 and QTP 1103-1. While the fuel manipulation that was unauthorized by procedures took place, Mr. Dickherber failed to assure that constant communication was maintained with the control room as required by QFP 100-1, Steps C.2 and F.3. As a result, the control room personnel were not notified, as required, of the fuel manipulation to assure that core monitoring required by QFP 100-1 took place. QFD 100-1 and QTP 1103-1 are procedures required by Technical Specification 6.2.A.2. They thus are NRC requirements Mr. Dickherber was required to adhere to by the terms of his Senior Operator License. Based on the above, it appears that on October 17, 1989, Mr. Robert L. Dickherber willfully violated NRC requirements during refueling activities.

III

The responsibilities associated with a Senior Operator License Limited to Fuel Handling issued pursuant to 10 CFR part 55 are significant with respect to the protection of the public health and safety. Improper movement of fuel could have the potential for an inadvertent criticality. The execution of these responsibilities requires persons of high personal integrity, who shall observe all applicable rules and regulations of the Commission during the performance of licensed activities. A Senior Licensed

Operator who willfully fails to comply with facility procedures and Technical Specifications during fuel handling operations demonstrates a lack of integrity that raises a substantial question as to whether such a licensee will in the future comply with Commission requirements.

IV

In this case, the Licensee's recognition that an error had occurred and his subsequent directions to disregard required procedures and his failure to assure that subordinates maintained required continuous communications with the control room resulted in significant violations of Technical Specifications and station safety procedures and demonstrated a disregard of the important obligations of a Senior Licensed Operator and of the public trust in him. In addition, because the Licensee declined to be interviewed, the NRC was deprived of the opportunity to consider the Licensee's views in this matter. Based on the overall information available, which in this case includes a written statement from the Licensee made after the event acknowledging that he was put on notice of the need to obtain revised NCTIs before acting, the NRC does not have the necessary reasonable assurance that the Licensee will carry out his duties in the future in accordance with Commission regulations. Consequently, I have determined that the public health and safety requires that Mr. Dickherber's License should be suspended. Pursuant to 10 CFR 2.204, I find that the public health and safety requires, in view of the willfulness of the violation, that this Order must be effective immediately.

V

Accordingly, pursuant to sections 107, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202, 2.204, and 10 CFR part 55, It is hereby ordered, effective immediately, that:

A. License No. SOP-2365-8 is hereby suspended and Mr. Robert L. Dickherber shall not undertake any activities authorized thereby.

B. The Licensee show cause why License No. SOP-2365-8 should not be revoked.

VI

Pursuant to 10 CFR 2.204, the Licensee, or any other person adversely affected by the provisions of this Order suspending the License, may request a hearing within 20 days of the date of issuance of this Order. Any request for

hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Chief, Docketing and Service Section. Copies also shall be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, the Assistant General Counsel for Hearings and Enforcement, Office of the General Counsel, at the same address, and to the Regional Administrator, NRC Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which the person's interest is adversely affected by this Order and should address the criteria set forth in 10 CFR 2.714(d). A request for hearing shall not stay the immediate effectiveness of this order.

VII

Pursuant to 10 CFR 2.202(b), the Licensee may show cause why his License should not be revoked by filing a written answer under oath or affirmation within 20 days of the date of the issuance of this Order, setting forth the matters of fact and law on which the Licensee relies. Such answer should be submitted to the Director, Office of Enforcement, Attn: Document Control Desk, Washington, DC, 20555, with a copy to the Regional Administrator, U.S. Nuclear Regulatory Commission, Region III, 799 Roosevelt Road, Glen Ellyn, Illinois 60137 and a copy to the Senior Resident Inspector at the Quad Cities Nuclear Power Station. The Licensee may answer this Order by consenting to his license revocation. Upon consent of the Licensee or upon the Licensee's failure to request a hearing, the License shall be revoked.

VIII

If a hearing is requested, the Commission will issue an Order designating the time and place of hearing. If a hearing is held, the issue to be considered at such a hearing shall be whether this Order should be sustained.

Dated at Rockville, Maryland this 23rd day of February 1990.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr.,

Deputy Executive Director for Nuclear Materials Safety, Safeguards, and Operations Support.

[FR Doc. 90-4898 Filed 3-2-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-289]

GPU Nuclear Corp., et al.; Three Mile Island Nuclear Station, Unit No. 1

Exemption

I

GPU Nuclear Corporation (GPUN/ licensee) and three co-owners hold Facility Operating License No. DRP-50, which authorizes operation of the Three Mile Island Nuclear Station, Unit No. 1 (TMI-1) (the facility) at power levels not in excess of 2568 megawatts thermal. This license provides, among other things, that the facility is subject to all rules, regulations, and Orders of the Nuclear Regulatory Commission (the Commission or the staff) now or hereafter in effect.

The facility is a pressurized water reactor located at the licensee's site in Dauphin County, Pennsylvania.

II

On November 18, 1980, the Commission published a revised section 10 CFR 50.48 and a new appendix R to 10 CFR part 50 regarding fire protection features of nuclear power plants (45 FR 76602). The revised § 50.48 and appendix R became effective on February 17, 1981. Section III of appendix R contains 15 subsections, lettered A through O, each of which specifies requirements for a particular aspect of the fire protection features at a nuclear power plant.

One of these 15 subsections, III.O, is the subject of this exemption request. This subsection specifically states that "the reactor coolant pump shall be equipped with an oil collection system if the containment is not inerted during normal operation * * * Such collection systems shall be capable of collecting lube oil from all pressurized and unpressurized leakage sites in the reactor coolant pump lube oil systems. * * * Leakage points to be protected shall include lift pump and piping, overflow lines, lube oil cooler, oil fill and drain lines and plugs, flanged connections on oil lines, and lube oil reservoirs where such features exist on the reactor coolant pumps."

TMI-1 has, in the past, been considered to be in full compliance with section III.O of appendix R. However, a plant modification to reduce radiation exposure to workers during normal operation and to improve the occupational safety aspects of adding oil to the RCP lube oil system has been undertaken by the licensee. The modification relocates the lube oil fill station to a remote location outside of the secondary radiation shield with a corresponding addition of significant

lengths of fill piping and tubing. Existing drip pans are retained as part of the oil collection system and new drip pans are added beneath reservoirs, drains and overflows. However, collection trays/pipes are not provided for the entire length of each pipe and beneath each fitting. By letter dated October 20, 1989, the licensee requested an exemption from the Appendix requirement to provide collection systems from all potential leakage sites and listed a number of compensatory considerations regarding design and operation of the modified system which would reduce the likelihood of fire.

IV

The purpose of appendix R is to accomplish safe shutdown in the event of a single fire and maintain the plant in a safe condition. Section III.O requires collection of oil leakage from RCP lube oil system fill lines. At TMI-1, the intent of this section will be satisfied by both the design of the modification and procedurally controlled activities involved in adding oil to the RCPs. Concerns related to fire caused by carelessness or material failure and resultant lube oil leakage during a seismic event are mitigated although highly unlikely. The additional considerations listed below will reduce the likelihood of fire even further during oil additions without concurrent seismic events. In the absence of drip pans located below the entire portion of added fill piping/tubing, the licensee proposed minimizing the potential for and controlling leakage and spillage by:

1. using welded joints at fill piping/tubing connections as much as possible;
2. preventing oil from standing in piping outside the drip collection system by sloping the piping/tubing to drain completely into the RCP lube oil reservoirs;
3. locating fill line connections to oil reservoirs above the reservoir's high level alarm set point and overflow line;
4. extending existing or installing additional drip pans to collect possible leakage from the sight glasses;
5. confirming after installation that added oil reaches the sump and is not trapped in the piping;
6. based on startup and test data, identifying sight glass level change versus volume of oil added and incorporate that information in oil additional procedures; and
7. revising operating procedures to require wipe-up of any spillage at the remote fill station local drip pans.

V

Based upon its evaluation, the staff concludes that the licensee's proposed design achieves a level of safety equivalent to that which would be

achieved by literal conformance with the requirements of section III.O of appendix R to 10 CFR part 50.

Accordingly, the Commission has determined pursuant to 10 CFR 50.12(a)(2)(ii) that (1) this exemption as described in section IV is authorized by law, will not present an undue risk to the public health and safety, and is consistent with the common defense and security, and (2) special circumstances are present for this exemption in that application of the regulation in this particular circumstance is not necessary to achieve the underlying purposes of Appendix R to 10 CFR part 50. Therefore, the Commission hereby grants the exemption request identified in section IV above.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will have no significant impact on the environment (55 FR 6717).

The exemption is effective upon issuance.

Dated at Rockville, Maryland, this 26th day of February 1990.

For the Nuclear Regulatory Commission.

Bruce A. Boger,

Acting Director, Division of Reactor Projects—1/II, Office of Nuclear Reactor Regulation.

[FR Doc. 90-4895 Filed 3-2-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-424]

Georgia Power Co. et al.; Exemption Amendment

I

Georgia Power Company, Oglethorpe Power Corporation, Municipal Electric Authority of Georgia, and City of Dalton, Georgia (the licensee) (Vogtle Electric Generating Plant, Unit 1), are the holders of Facility Operating License No. NPF-68 issued March 16, 1987, which authorize full power operation of the Vogtle Electric Generating Plant, Unit 1 (the facility). The license provides, among other things, that it is subject to all rules, regulations and Orders of the Nuclear Regulatory Commission (the Commission).

The facility consists of a pressurized water reactor at the licensee's site located in Burke County, Georgia.

II

10 CFR part 20, appendix A, "Protection Factors for Respirators," establishes protection factors of air-purifying respirators for protection against particulates only. Further more, footnote d-2(c) states, "No allowance is

to be made for the use of sorbents against radioactive gases or vapors." On October 27, 1988, the Commission granted an exemption to the facility from the restriction of 10 CFR part 20, appendix A, footnote d-2(c), and authorized the use of the MSA GMR-I canister with restrictions as shown in Attachment 1 to that exemption.

By letter dated September 28, 1989, the licensee requested an amendment to the exemption to allow the MSA GMR-I canisters to be stored in a Class C storage environment as defined in ANSI N45.2.2 versus a Class A or better environment which is a restriction contained in Attachment 1 to the exemption granted October 27, 1988. The licensee provided a summary of test results from Mine Safety Appliances justifying Class C storage requirements for the MSA GMR-I canisters. The Commission's staff evaluated the information provided by the licensee to support the exemption amendment. The Commission's safety evaluation relating to Class C storage for MSA GMR-I canisters at Vogtle 1 is being issued concurrently with this exemption amendment. The Safety Evaluation concludes that Class C storage is acceptable for radioiodine MSA GMR-I canisters.

III

Accordingly, the Commission has determined that, pursuant to 10 CFR 20.501, an exemption amendment as requested by the licensee's letter of September 28, 1989, is authorized by law and will not result in undue hazard to life or property. The Commission hereby grants an amendment to the exemption granted October 27, 1988, and authorizes Class C storage for the MSA GMR-I canisters, as shown in the amended Attachment 1 to the exemption of October 27, 1988 (attached). The exemption amendment is subject to modification by rule, regulation or Order of the Commission.

Pursuant to 10 CFR 51.32, the Commission has determined that the issuance of the exemption amendment will have no significant impact on the environment (55 FR 6565).

This exemption amendment is effective upon issuance.

For the Nuclear Regulatory Commission.

Dated at Rockville, Maryland this 23rd day of February 1990.

Steven A. Varga,

Director, Division of Reactor Projects—1/II, Office of Nuclear Reactor Regulation.

Attachment 1—Limitations, Usage Restrictions, and Controls Applicable to the Use of MSA GMR-I Canister at the Vogtle Electric Generating Plant, Unit 1

1. Protection factor equal to 50 as a maximum value.
2. The maximum permissible continuous use time is eight hours after which the canister will be discarded.
3. Canisters are not to be used in the presence of organic solvent vapors.
4. Canisters are to be stored in Class C or better environment, as defined in ANSI N45.2.2.
5. The allowable service life for sorbent canisters is to be calculated from the time of unsealing the canister, including periods of non-exposure.
6. Canister is to be used with a full facepiece capable of providing a fit factor equal to or greater than 500.
7. Canisters are not to be used in total challenge concentrations of organic iodines and other halogenated compounds greater than 1ppm, including nonradioactive compounds.
8. Canisters are not to be used in environments where temperatures are greater than 100°F, or up to 120°F if the dewpoint is equal to or less than 107°F.

In addition to the limitations and usage restrictions noted above, the following additional controls will be utilized by the licensee:

1. Temperatures will be measured prior to and/or during the use of GMR-I canisters to assure that work temperatures are within limits.
2. Air samples will be taken prior to and during any activities that involve the use of the GMR-I canister for protection against radioactive iodine.
3. A GMR-I canister found to have exceeded 3 years from date of manufacturer will not be used for protection against radioactive iodine.
4. In the initial implementation of the GMR-I program, the following verification measures will be in effect:
 - a. Weekly whole body counts for individuals using the GMR-I canisters for radioiodine protection;
 - b. A whole body count for individuals that exceed 10 MPC in a week and used the GMR-I canister for respiratory protection in that period;
 - c. Anyone that measures 70 nCi or greater iodine uptake to the thyroid during a whole body count will be restricted from entering a radioiodine atmosphere pending Health Physics evaluation;
 - d. The radiological survey and whole body count information will be compiled to evaluate the effectiveness of the program.

[FR Doc. 90-4896 Filed 3-2-90; 8:45 am]

BILLING CODE 7590-01-M

[Docket Nos. 50-266 and 50-301]

Wisconsin Electric Power Co.; Issuance of Amendments to Facility Operating Licenses

The U.S. Nuclear Regulatory Commission (Commission) has issued Amendment No. 126 to Facility Operating License No. DPR-24 and Amendment No. 130 to Facility Operating License No. DPR-27, issued to the Wisconsin Electric Power Company (the licensee), which revised the Technical Specifications for operation of the Point Beach Nuclear Plant Units 1 and 2, located in Manitowoc County, Wisconsin. The amendments were effective as of the date of issuance.

The amendments modified the Technical Specifications to increase the allowable U-235 content for optimized fuel assemblies (OFA) to 46.8 grams per axial centimeter and permit the use of axial fuel blankets. The allowable U-235 content for the OFA fuel assemblies corresponds to an enrichment of 4.75 weight percent. The U-235 content permitted for standard fuel assemblies remains unchanged.

The application for the amendments complies with the standards and requirements of the Atomic Energy Act of 1954, as amended (the Act), and the Commission's rules and regulations. The Commission has made appropriate findings as required by the Act and the Commission's rules and regulations in 10 CFR chapter I, which are set forth in the license amendments.

Notice of Consideration of Issuance of Amendments and Opportunity for Hearing in connection with this action was published in the Federal Register on February 23, 1989 (54 FR 7900). No request for a hearing or petition for leave to intervene was filed following this notice. By letter dated November 1, 1989, the licensee submitted clarifying information in response to the NRC's request dated October 6, 1989. That letter clarified information previously provided and did not revise the application for license amendment.

The Commission has prepared an Environmental Assessment related to the action and has determined not to prepare an environmental impact statement. Based upon the environmental assessment, the Commission has concluded that the issuance of this amendment will not have a significant effect on the quality of the human environment.

For further details with respect to the action see (1) the application for amendments dated July 6, 1988, and supplemented November 1, 1989, (2) Amendment No. 126 to License No.

DPR-24, (3) Amendment No. 130 to License No. DPR-27, and (4) the Commission's related Safety Evaluation dated February 23, 1990 and (5) the Environmental Assessment dated February 23, 1990. All of these items are available for public inspection at the Commission's Public Document Room, Gelman Building 2120 L Street NW., Washington, DC, and at the Joseph P. Mann Library, 1516 Sixteenth Street, Two Rivers, Wisconsin. A copy of items (2), (3), (4) and (5), may be obtained upon request addressed to the U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Director, Division of Reactor Projects III, IV, V and Special Projects.

Dated at Rockville, Maryland this 23rd day of February 1990.

For the Nuclear Regulatory Commission,
Timothy G. Colburn,

*Acting Director, Project Directorate III-3,
Division of Reactor Projects—III, IV, V and
Special Projects, Office of Nuclear Reactor
Regulation.*

[FR Doc. 90-4897 Filed 3-2-90; 8:45 am]

BILLING CODE 7590-01-M

OFFICE OF MANAGEMENT AND BUDGET

Dissemination of Fiscal Year 1990 Federal Information Technology Resource Requirements

AGENCY: Office of Management and Budget.

ACTION: Notice of availability.

SUMMARY: The Office of Management and Budget (OMB) has made available to the public two documents under the general title "Current Information Technology Resource Requirements." They are based on information supplied by executive branch agencies for the 1990 budget in response to OMB Circular No. A-11, section 43—"Data on Acquisition, Operation and Use of Information Technology Systems." Comparable data for 1991 will be available later this year. The documents may be obtained through the National Technical Information Service (NTIS) of the Department of Commerce and through the Federal Depository Library System. Individuals wishing to view the data on which the documents are based may contact the OMB Library—(202) 395-3654.

The first document is entitled "Summary Analysis." It shows historical trends in Federal information technology resources from 1982 through 1990. It also lists actual and projected obligations for the acquisition of these resources on an

agency-by-agency basis from 1988 through 1990.

The second document is subtitled "Major System Acquisitions and Planned Resources." It consists of an extensive compilation of individual agency acquisition plans for the period 1989 through 1994.

Both documents were formerly published by OMB under the title "A Five Year Plan for Meeting the Automatic Data Processing and Telecommunications Needs of the Federal Government, Volume I." OMB is disseminating this version of plan through NTIS and the Federal Depository Library Program in order to reach a wider audience.

How to obtain copies of these documents: NTIS is making the documents available on either paper copy or microfiche. The "Summary Analysis" may be ordered using order number PB90-146812, at a cost of \$15.00 paper copy and \$8.00 microfiche. The "Major System Acquisition and Planned Resources" may be ordered using order

number PB90-146820, at a cost of \$60.00 for paper copy and \$17.00 for microfiche. The NTIS sales desk can be reached on (703) 487-4650.

Inquiries: Inquiries about the substance of these documents may be directed to: The Information Policy Branch, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, Tel. (202) 395-3785.

James B. MacRae, Jr.,
Acting Administrator and Deputy
Administrator, Office of Information and
Regulatory Affairs.

[FR Doc. 90-4921 Filed 3-2-90; 8:45 am]

BILLING CODE 3110-01-M

OFFICE OF PERSONNEL MANAGEMENT

SES Positions That Were Career Reserved During 1989

AGENCY: Office of Personnel
Management.

ACTION: Notice.

SUMMARY: As required by the Civil Service Reform Act of 1978, this gives notice of all positions in the Senior Executive Service (SES) that were career reserved during 1989.

FOR FURTHER INFORMATION CONTACT: Charles Vaughn, Office of Executive Personnel, (202) 632-7727.

SUPPLEMENTARY INFORMATION: Below is a list of titles of SES positions that were career reserved any time in calendar year 1989 whether or not they were still career reserved on December 31, 1989. Section 3121(b)(4) of title 5, United States Code, requires that the head of each agency publish the list by March of the following year. OPM is publishing a consolidated list for all agencies.

U.S. Office of Personnel Management.
Constance Berry Newman,
Director.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989

Agency, organization	Career reserved positions
Action: Office Inspector General..... Assoc Director for Mgmt & Budget.....	Inspector General. Asst Dir for Financial Management. Associate Director for Management & Budget.
Administrative Conference of the U.S.: Administrative Conference of the U.S.	Research Director. General Counsel.
Advisory Council on Historic Preservation: OFC of the Exec Director	Executive Director.
Department of Agriculture: OFC of the Inspector General.....	Asst Inspector General for Investigations. Dep Asst Inspector General for Investigation. Asst Inspector General for Audit. Dep Assistant Inspector General for Audit. Dep Asst Inspector General for Audit. Asst Inspector Gen for Pol Dev & Res Mgmt. Director Office of Operations.
Office of Operations	Director, Applications Systems Division.
Office of Finance and Management.....	Dir, Info Resources Management Division. Director, Financial Services Division. Dir, Thrift Savings Plan Development Division. Deputy Administrator for Management.
Farmers Home Administration.....	Assistant Administrator, Finance Office. Asst Admr for Automated Information Services. Asst Admr, Community and Business Programs.
Federal Crop Insurance Corporation.....	Asst Mgr for Actuarial & Underwriting Svcs.
Agricultural Marketing Service.....	Deputy Administrator, Management. Director, Fruit & Vegetable Division. Director, Cotton Division. Director, Dairy Division. Director, Livestock Division. Director, Tobacco Division. Agricultural Marketing Svc, Dir Poultry Div. Director, Compliance Staff. Dir, Commodity Scientific Support Division.
Animal & Plant Health Inspection Service.....	Deputy Administrator for Management & Budget. Assoc Dep Administrator for Mgt. & Budget. Dep Admr, Regulatory Enforcement/Animal Care.
Veterinary Services.....	Dir natl Veterinary Services Labs, Ames. Director Northern Region. Dir, S E Region, Veterinary Services. Director, Western Region. Director, South Central Region. Assistant Deputy Administrator.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Plant Protection & Quarantine Service.....	Dep Admr, Animal Damage Control. Dir, Operational Support, Veterinary Services. Dep Admr, International Services. Director Northeastern Region. Director, South Central Region. Director, Western Region. Asst Deputy Administrator for National Progs Director, South Central Region. Asst to the Asst Dep Admr, Natl Programs, PPQ. Director Operational Support PPQ. Director Science and Technology.
Science and Technology.....	Asst Deputy Admin Technical Services.
Food Safety and Inspection Service.....	Dep Admr/Administrative Mgmt. Dir Northeast Region, Phila., PA. Regl Director, Atlanta Georgia. Dir, North Central Region, Des Moines, Iowa. Director, Southwestern Region, Dallas, Texas. Dir, Western Region, Alameda, California. Asst Dep Admr Comp & Staff Operations. Asst Dep Admr Inspection Mgmt Program. Asst Dep Admr, Scientific Staff Services. Asst Dep Admin (Admin Mgt). Deputy Administrator, Science. Dep Admr Internl Programs. Asst Dep Admr Administrative Management Associate Deputy Administrator. Asst to the Admr for Intl Scientific Liaison. Asst to the Dep Admr International Programs. Deputy Admin for Financial Management. Deputy Admin for Management. Dep Under Sec for Intl Affairs & Comm Prog. Accounting Officer.
Food & Nutrition Service.....	Director, Budget Division.
Ofc of Under Sec'y Intern'l Affs & Commodity Programs.....	Asst Administrator, Management.
Agricultural Stabilization & Conservation Service.....	Dir, Sugar, Horticultural & Trop Prod Div.
Foreign Agricultural Service.....	Dir, Grain & Feed Div.
Agriculture Research Service.....	Dir, Oilseeds & Prod Div.
National Program Staff Office.....	Dep Admr for Adm Mgmt.
Beltsville Area Office.....	Assoc Dep Admin for Administrative Management.
North Atlantic Area Office.....	Asst Adm for Cooperative Interactions.
South Atlantic Area Office.....	Deputy Administrator National Program Staff.
Midwest Area Office.....	Assoc Dep Admr
Midsouth Area Office.....	Assoc Dep Admr, Natl Prog Staff
Central Plains Area Office.....	Dir, Beltsville Human Nutrition Research Ctr.
Southern Plains Area Office.....	Director Beltsville Area Office.
Northern Plains Area Office.....	Assoc Dir Beltsville Area.
Northwest Area Office.....	Director, Eastern Regl Research Center.
Pacific West Area Office.....	Dir, Plum Island Animal Disease Ctr.
Cooperative State Research Service.....	Director, North Atlantic Area.
Extension Service.....	Assoc Dir, North Atlantic Area.
	Research Leader—Forage and Turf Research.
	Res Leader-Plant Physio & Photosynthesis Res.
	Director South Atlantic Area.
	Associate Dir South Atlantic Area.
	Dir Northern Regional Research Center.
	Dir Midwest Area.
	Dir Northern Regional Research Ctr.
	Assoc Dir, Midwest Area.
	Dir, Southern Regional Res Center, New Orleans.
	Director, Mid-South Area.
	Associate Director, Mid South Area.
	Dir Nat'l Animal Disease Ctr.
	Director Southern Plains Area.
	Director Conservation & Production Res Lab.
	Assoc Dir, Southern Plains Area.
	Director, Northern Plains Area.
	Associate Director, Northern Plains Area OFC.
	Dir R.L. Hruska US Meat Animal Res Center.
	Director, Northwest Region.
	Director, Western Regional Research Center.
	Research Leader—Fruit & Vegetable Chem Research.
	Director, U.S. Salinity Laboratory.
	Res Leader Natural Products Chemistry Res.
	Dir, Western Human Nutrition Research Center.
	Director, Pacific West Area Office.
	Director, Plant Gene Expression Center.
	Associate Director, Pacific West Area Office.
	Dir, Western Cotton Research Laboratory.
	Assoc Administrator for Grants & Program Sys.
	Deputy Admin Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Soil Conservation Service	Director Engineering Division. Dir Ecological Sciences and Technology Divisi. Dep Chf for Administration. Dir, Conserv Planning and App. Director, Watershed Project Division. Dir, Basin & Area Planning (Soil Conserv). Assoc Dep Chief for Administration. Dir, Soils (Soil Scientist). Dir, Land Treatment Program. Dir Information Resources Management. Dir South National Technical Center. Special Asst for Science & Technol. Dep Chf for Administration.
Forest Service	Associate Deputy Chief—Administration. Dir Forest Pest MGMT Staff. Dir Fiscal and Accounting Management. Associate Deputy Chief for Administrator. Director, Fire and Aviation Staff.
Research	Director, Timber MGMT Research Staff. Dir Insect and Disease Research Staff. Dir Forest Environment Research Staff. Director, Forest Resource Economists Staff. Dir Forest Prod & Harvesting & Research Staff. Dir, Forest Fire & Atmos Sciences Res Staff.
Nat'l Forest System	Dir, Range Management Staff. Dir, Recreation, Mgmt Staff. Dir Timber Management Staff. Director, Engineering Staff. Director, Lands Staff. Dir Land Management Planning Staff. Dir, Wildlife & Fisheries Mgmt Staff. Dir, Minerals & Geology Staff. Director, Watershed & Air Management Staff. Dir of Area Planning & Dev Staff.
State & Private Forestry	Dir Cooperative Forestry.
Field Units	NE Area Dir, State & Private Forestry, U Darb. Dir Intermountain Forest & Range Exp Stat, OGD. Dir N Eastern Forest Experiment Station. Dir, North Central Forest Exp Station. Dir, Pacific NW Forest & Range Exp Station. Dir, Pacific SW for & Range Exper Sta. Director Rocky Mt Forest & Range Exper Stat. Dir S Eastern Forest Experiment Station. Dir, S. Forest Experiment Station, New Orleans. Director, Forest Products Laboratory. Dep Dir Forest Products Lab.
Economic Research Service	Admr. Economic Research Service. Associate Administrator—Economic Rsch Svc. Director Agriculture & Trade Analysis Div. Director Commodity Economics Division. Director Resources & Technology Division. Director Agriculture & Rural Econ Division. Deputy Administrator for Situation & Outlook.
Economics Management Staff	Director, Economics Management Staff.
National Agricultural Statistics Service	Admr, National Agricultural Statistics Serv. Deputy Administrator for Operations. Dir Estimates Div. Dir, Research and Applications Division. Dir Estimates Div. Dir, Research and Application Division. Dir, State Statistical Division. Deputy Administrator for Programs. Dir, Systems & Information Division.
World Agricultural Outlook Board	Chairperson.
Board for International Broadcasting:	Dep Chairperson.
Board of International Broadcasting	General Counsel. Director of Financial & Congressional Affairs. Exec Director.
Board Staff	Dir for Research & Engineering. Dep Exec Director/Director of Program Review
Department of Commerce:	
Office of the General Counsel	Asst General Counsel for Finance & Litigation.
OFC of Asst Secy for Administration	Director for Finance & Federal Assistance.
Director for Management and Information	Dir, OFC of Information Resources Management.
Director for Procurement & Administrative Services	Director for Procurement & Admin Services. Dep Dir for Procurement & Admin Services.
	Deputy Director for Procurement.
Director Personnel and Civil Rights	Director for Personnel and Civil Rights.
	Deputy Director of Personnel.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Director for Planning Budget and Evaluation OFC of the Under Secy for Economic Affairs	Director, Office of Budget. Statistical Coord for the under Sec/Eco Aff Dir Office of Business Analysis. Supervisory Economist. Director.
Bureau of Economic Analysis:	Dep Dir, Bur of Economic Analysis. Assoc Dir for Natl Economic Accounts. Assoc Dir for Natl Analysis & Projections. Assoc Dir for Regional Economics. Assoc Dir for International Economics. Chief Economist. Chf Statistician. Asst to the Director for Econometrics. Chf, Natl Income & Wealth Div. Chief, Current Business Analysis Div. Chief, Business Outlook Div. Chief International Investment Division.
Bureau of the Census:	Dep Dir. Asst Director for ADP. Chief, Technical Services Division. Assoc Dir for Management Services. Chief, Personnel Division. Chief Admin & Publications Services Division. Senior Program Analyst. Asst Dir for Administration. Chief Data User Services Division. Chief, Computer Services Division.
Demographic Fields	Associate Director for Demographic Fields. Chf, Population Div. Chief Demographic Surveys Division. Asst Dir for Publicity and Outreach. Associate Director for the Decennial Census. Chief, Decennial Planning Division. Chief, Decennial Operations Division. Chf, Housing & Household Econ Statistics Div. Chief, Statistical Methods Division. Chief Intl Statistical Programs Center.
Statistical Standing and Methodology	Senior Program Analyst.
Field Operations	Assoc Dir for Field Operations. Chf, Geography Div. Chief, Field Div.
Economic Fields	Chief Data Preparation Division. Associate Director for Economic Fields. Asst Dir for Economic & Agric Censuses. Chief, Agriculture Div. Chief, Business Div. Chf, Construction Statistics Div. Chf, Econ Surveys Div. Chf, Foreign Trade Div. Chf, Government Div. Chf, Industry Div. Chf, Census Programming Division.
Institute for telecommunications Sciences	Assoc Admr for Telecommunications Science. Deputy Dir for Systems & Networks. Special Technology Liaison. Deputy Director for Spectrum.
Economic Development Administration	Deputy Asst Secretary for Management Support.
OFC of the Inspector General	Assistant Inspector General for Auditing. Asst Inspector General for Investigations. Deputy Assistant Inspector Gen for Auditing. Asst Insp. Gen. for Plng, Eval & Inspections. Counsel to the Inspector General. Dep Asst Insp Gen for Investigations. Asst Inspector General for Auto Info Sys.
OFC of the Under Secy for Export Administration	Director of Administration.
OFC Dep Asst Secy for Cap Goods & Intl Const	Dir, Office of Special Industrial Machinery.
OFC of Dep Asst Secy for Automotive Aff & Cons GDS	Director Office of Consumer Goods.
OFC of Dep Asst Secy for Compliance	Dir, Office of Agreements Compliance.
OFC of Dep Asst Secy for Investigations	Dir, Office of Antidumping Compliance.
National Oceanic and Atmospheric Administration	Dir, Office of Antidumping Investigations.
National Marine Fisheries Service	Dir, Office of Countervailing Investigations.
Fisheries Resource Management	Dir, Natl Ocean Pollution Program Office.
Fisheries Centers	Dir, NOAA Coastal Ocean Program Office.
	Senior Scientist for Fisheries.
	Dir, Ofc of Research & Environmental Info.
	Director, Office of Enforcement.
	Science & Research Dir Northeast Region.
	Science & Research Dir.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Natl Environ Satellite, Data & Info Services.....	Science & Research Dir Southwest Region. Science & Research Dir. Science and Research Director. General Physical Scientist. Poes Program Manager. Dir Ofc of Sys Development.
Deputy Asst Admr for Satellites.....	Poes Program Manager. Goes Program Manager.
Deputy Asst Admr for Information Services.....	Dir, Natl Oceanographic Data Center. Deputy Director.
Office of Oceanic and Atmospheric Research.....	Director, National Climatic Data Center.
Office of Sea Grant & Extramural Programs.....	Dir, National Geophysical Data Center.
Environmental Research Laboratories.....	Director, Forecast Systems Laboratory.
Atlantic Oceanographic and Meteorological Labs.....	Dep Dir, Ofc of Sea Grant & Extramural Progr.
Wave Propagation Lab.....	Dep Dir, Environmental Research Laboratories.
Aeronomy Lab.....	Dir, Space Environment Laboratory.
Geophysical Fluid Dynamics Laboratories.....	Dir, Atlantic Oceanographic & Meteorological.
	Dep Dir Atlantic Oceanographic & Meteorologi.
	Director.
	Director, Aeronomy Laboratory.
	Senior Scientist/Deputy Director.
	Director.
	Supervisory Rsch Meteorologist.
	Supervisory Rsch Meteorologist.
	Supervisory Rsch Meteorologist.
Great Lakes Environmental Research Lab.....	Dir Great Lakes Environmental Research Lab.
National Severe Storms Laboratory.....	Dir Nat'l Severe Storms Lab.
Air Resources Laboratory.....	Director Air Resources Laboratory.
Pacific Marine Environmental Lab.....	Dir Pacific Marine Environmental Lab.
Ocean Services & Coastal Zone Management.....	Special Assistant to the Chief Scientist.
Ocean and Coastal Resources Management.....	Spec Asst to Dir Ofc of Ocean & Coastal Res.
Oceanography & Marine Services.....	Chief, Ocean Systems Division.
	Chief, Ocean Resources Assessment Division.
	Chf, Physical Oceanography Division.
National Ocean Service.....	Dir Geodetic Research & Development Lab.
	Assoc Dir Ofc of Aeronautical Charting & Cart.
	Chief Geodesist.
National Weather Service.....	Director, NOAA Data Buoy Office.
	Dir, Transition Program Office.
	Dir, Nexrad Joint Systems Program Ofc.
	Chief, Management and Budget Staff.
	Chief, International Affairs Division.
	Chf, Ofc of the Fed Coordinator for Meteorol.
	Dir, Nexrad Operational Support Facility.
	Chief, Policy and Long Range Planning Staff.
Office of Meteorology.....	Dir, Office of Meteorology.
	Chief Operations Division.
Office of Hydrology.....	Chf, Prog Requirements & Ping Division.
	Director, Office of Hydrology.
	Chief, Hydrologic Services Division.
	Chief, Hydrologic Research Laboratory.
Office of Systems Operations.....	Chief, Engineering Division.
	Chief, Systems Operations Center.
	Chief, Systems Integration Division.
Office of Systems Development.....	Dir, Office of Systems Operations.
	Director, Office of Systems Development.
	Chief, Integrated Systems Laboratory.
	Chief, Techniques Devel Laboratory.
	Program Manager.
	Dep Dir, Office of Systems Development.
National Meteorological Ctr.....	Chf/Awi Interactive Processing System/1990's.
	Director National Meteorological Center.
	Deputy Director.
	Director, Climate Analysis Center.
	Chief, Automation Division.
	Chief, Development Div.
Regional Offices & Centers.....	Chf, Meteorological Operations Division.
	Dir, Southern Region, Ft Worth.
	Dir, Salt Lake City Region.
	Dir, Alaska Region, Anchorage.
	Dir, Eastern Region NWS.
	Director, Central Region.
	Dir, Natl Severe Storms Forecast Center.
Nat'l Institute of Standards & Technology.....	Director, Natl Hurricane Center.
	Assoc Dir for International & Academic Affs.
	Dir, Ofc of Res & Technology Applications.
	Assoc Dir for Programs, Budget, and Finance.
	Chief, Program Office.
	Dep Assoc Dir for International Affairs.
	Director for Academic Affairs.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
National Measurement Lab.....	Dep Assoc Dir for Industry & Standards. Senior Mathematical Statistician. Group Leader Surface and Structure Kinetics. Chief, Molecular Spectroscopy Division. Chief, Inorganic Analytical Research Division. Chief, Gas and Particulate Science Division.
Deputy Director for Programs.....	Deputy Director for Programs. Director, Standard Reference Data. Chief, Office of Standard Reference Materials.
Center for Basic Standards.....	Dir, Center for Basic Standards. Chief, Electricity Division. Chief, Quantum Metrology Division. Mgr, Tech Applications of Measurement Stds.
Quantum Physics Division.....	Chief, Quantum Physics Division. Senior Scientist & Fellow of Jila. Senior Scientist.
Time and Frequency Division.....	Senior Scientist & Fellow Jila. Senior Scientist & Fellow of Jila. Chief, Time and Frequency Division.
Center for Analytical Chemistry.....	Group Leader & Senior Scientist. Director-Center for Analytical Chemistry.
Center for Radiation Research.....	Chief Organic Analytical Research Division. Dir, Center for Radiation Research. Dep Dir, Ctr for Radiation Research.
Ionizing Radiation Division.....	Chief, Atomic and Plasma Radiation Division. Chief Radiometric Physics Division. Chief Ionizing Radiation Division.
Center for Radiation Research.....	Physicist (Nuclear). Prin Scientist Nucler Radiation Division. Physicist (Nuclear).
Institute for Materials Science & Engineering.....	Group Leader for Far Ultraviolet Physics. Chief Radiation Physics Division. Dir, Institute for Materials Science & Eng. Senior Scientist. Chf, Ofc of Nondestructive Evaluation. Chf, Metallurgy Division. Scientific Assistant to the Director. Scientific Assistant to the Director, Imse. Manager, Cold Neutron Program.
Fracture and Deformation Division.....	Dep Dir Institute for Materials Science Eng. Chief, Reactor Operations.
Ceramics Division.....	Chief, Fracture & Deformation Division. Group Leader for Crystallography. Group Leader, Mechanical Properties.
Polymer Science and Standards Division.....	Chief Ceramics Division Physicist (Solid State). Chief, Polymers Division.
Reactor Radiation Division.....	Chief, Reactor Radiation Division. Group Leader Neutron Condensed Matter Science.
Center for Chemical Physics.....	Director Center for Chemical Physics. Deputy Director, Center For Chemical Physics Chief, Surface Science Div.
National Engineering Lab.....	Assoc Dir for Technical Evaluation. Chf, Office of Energy Related Inventions.
Center for Fire Research.....	Director-Center for Fire Research. Chief, Fire Measurement & Research Division.
Center for Building Technology.....	Deputy Director, Center for Fire Research. Dir, Center for Building Technology. Deputy Director, Center for Building Tech.
Ctr for Manufacturing Engring.....	Chief, Structures Division. Chf, Building Materials Div. Chief, Building Environment Division. Dir, Center for Manufacturing Engineering. Chief, Precision Engineering Division. Chief, Robot Systems Division. Dep Dir, Center for Manufacturing Engineering.
Center for Applied Mathematics.....	Program Manager Automated Manufacturing Res. Chief, Factory Automation Systems Division. Chief, Fabrication Technology Division. Chief, Thermophysics Division. Dir, Ctr For Computing & Applied Mathematics. Dep Dir, Ctr For C & A Mathematics. Chief, Computer Services Division. Chief Scientific Computing Division. Chief, Statistical Engineering Division. Asst Dir for Management Information Technology.
Center for Electronics and Electrical Engring.....	Chief, Mathematical Analysis Division. Associate Director for Computing. Dir, Ctr. for Electronics & Electrical Eng. Chief, Electrosystems Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Center for Chemical Engineering	Chf-Electromagnetic Technology Division. Senior Research Scientist. Dep Dir, Ctr for Electronics & Electrical Eng. Associate Director for Program Development. Deputy Director Ctr for Chemical Engineering. Director Center for Chemical Engineering. Chief, Chemical Process Metrology Division. Chief Systems & Network Architecture Division. Chf, Advanced Systems Division. Chf, Info Syst Engineering Division. Chf, Systems and Software Technology Division. Dep Dir, Institute for Computer Sci & Technol. Associate Director for Computer Security. Chief, Computer Security Division.
Inst for Computer Sciences and Technology	Asst Commissioner for Finance and Planning. Assistant Commissioner for External Affairs. Adm'r for Documentation. Dep Assistant Commissioner for Administration. Group Director 110. Group Director 120. Group Director for 130. Group Director 150. Group Director for 260. Group Director 180. Group Director 210. Group Director for 220/290. Group Director 230. Group Director 240. Group Director 250. Group Director 310. Group Director 320. Group Director 330. Group Director 340. Group Director 350.
Patent and Trademark Administration	Chairman, Trademark Trial & Appeal Board. Deputy Asst Commissioner for Trademarks. Director, Trademark Examining Operation.
Office of Assistant Commissioner for Patents	Assoc Gen Counsel (Opinis & Review). Deputy General Counsel (Litigation). Deputy General Counsel (Reg & Adm). Dep Exec Dir.
Chemical	Dir, Ofc in Information Resources Mgmt. Dep Chf Economist. Chf, Analysis Section.
Electrical	Associate Director for Surveillance. Deputy Director (Western Operations). Deputy Director (Eastern Operations). Deputy Director (Contract Markets). Chief Counsel.
Mechanical	Associate Executive Dir for Field Operations. Dir, Office of Program Management & Budget. Associate Exec Dir for Epidemiology. Assoc Exec Dir for Compl & Admin Litigation. Assoc Exec Dir for Adm.
Office of Assistant Commissioner for Trademarks	Associate Executive Director for Economics.
Commodity Futures Trading Commission:	Asst to the Secy of Defense (Intel Oversight). Dir, C/I Programs.
Office of the General Counsel	Deputy Asst Secy of Defense (Resources). Asst for Res Assessment & Acquisition Issues. Deputy Director for Plans and Programs.
Office of the Executive Director	Dir, Strategic Def Syst Operational Test Org. Dep Dir for Resource & Administration. Deputy Inspector General.
Office of Economic Analysis	Asst Inspector General for Investigations. Dep Asst IG for GAO Reports Analysis. Director, Major Acquisition Programs. Director, Contract Audit Programs.
Division of Enforcement	Asst Inspector Gen for Audit Policy & Oversht. Dept Asst Inspector General for Auditing. Dir Financial Manpower & Security Asst Audits.
Division of Trading and Markets	Dep Asst Inspector Gen for Investigations. Dep Asst Inspector General for Inspections. Director, Acquisition Support Programs.
Consumer Product Safety Commission:	Dir, Intelligence, Comm & Related Programs. Director Logistics & Support Programs. Assistant Inspector General for Auditing. Asst Inspector Genl for Analysis & Followup.
Ofc of Executive Dir	
Office of AED for Epidemiology	
Ofc of AED for Compliance & Administrative Litigation	
Ofc of AED for Administration	
Ofc of the AED for Economics	
Ofc Secy of Defense:	
Office of the Secretary	
Ofc of Deputy Under Secy for Policy	
Ofc of Asst Secy (Solic)	
Director Operational Test and Evaluation	
Ofc of Inspector General	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Ofc of Asst Secy of Defense (Reserve Affairs) Ofc Dep Asst Sec (Civilian Personnel Policy & Req)	Asst Insp Gen for Adm & Info Management. Asst Inspector General for Special Programs. Dep A/G for Audit Policy & Oversight. Asst I/G for Criminal Investigations P & O. Dep Asst Inspector Gen for Adm & Info Mgmt. Dir, Audit Planning & Technical Support. Dep Asst Insp Gen for Audit, Pol & Oversight. Director, Acquisition Management. Director, Logistics Support. Director, Contract Management. Dir, Readiness & Operational Support. Director, Financial Management. Asst Inspector Gen for Audit, Pol & Oversight. Deputy Asst Inspector General for Auditing. Dep Asst Insp Gen for Insp S&T Evaluation. Principal Director (Manpower and Personnel). Dep Dir Compensation & Overseas Empl Policy. Dir for W/R, Training & Staffing Policy. Director, Personnel Management. Dep Dir C/E Stability, N/F Special Projects. Dir Pacific Region Dodds. Director, Germany Region. Dep Dir Dep of Defense Dependents School. Assoc Dir for Financial, Logistl, & Info Mgmt. Asst Dir for Syst Engineering & Integration. Dir, Defense Medical Systems Support Center. Das of Defense for Medical Resource Adm. Dir, Freedom of Information & Security Review. Assistant for Planning. Director of Personnel and Security. Dep Dir, Real Estate & Facilities. Dep Dir, Personnel and Security. Deputy Dir Program Assessment. Dir Program Integration. Dep Dir, Program & Budget Integration. Dir, Dod Contracted Advisory & Asst Services. Exec Dir of the Def Science Board. Dir, Balanced Technology Initiative. Spec Asst for Mctt & Long-Range Pling Matters. Adusd (Asia/Southern Hemisphere Affairs). Asst Dep Under Secy of Def (Pling & Eval). Asst Dep Under S/D (Manuf & Industrial Prog). Asst Dep Under S/D (Intl Technol & Trade). Asst Dep Under S/D (Intl Dev & Prod Prog). Adusd (Technology Cooperation & Planning). Adusd (Nato/European Affairs). Adusd (International Programs & Technology). Director Test Facilities and Resources. Director Live Firetest. Director Weapon System Assessment. Director Special T&E Programs. Dir (Engineering Technology). Staff Specialist for Vehicle Propulsion. Staff Specialist for Materials & Structures. Staff Spec for Elec Warfare and Target Acq. Staff Specialist for Weapons Technology. Staff Specialist for Research. Dir Environmental & Life Sciences. Staff Spec/Mobility, Logistics & Adv Concepts. Dir, Research & Laboratory Management. Spec Asst to the DUSD (R&AT) (Spec projects). Director Electronics Systems Technology. Staff Spec for Electronic W/C, Ctrl & Comms. Staff Specialist for Electronic S/D. Staff Specialist for Spec Technology Programs. Director Offensive and Space Systems. Director Defense Systems. Dir Strategic Aeronautical & Theater N/S. Staff Specialist for Space & Advanced Systems. Staff spec for Techn & Analysis (Off Sys). A/D Under S/D (Start & Arms Control). Staff Spec for Ball Missile Def Sys. Director Force Analysis Concepts and Plans. Director, Air Warfare. Director, Naval Warfare & Mobility. Staff Spec for Interdiction/Naval Strike. Staff Specialist for Ground Air Defense Sys. Staff Spec, Close Air Sup/Battlefield Int. Staff Specialist for Antisub & Mine Systems. Staff Specialist for Air Mobility.
Ofc of Dir of Dod Dependents Schools	
Odasd (Mobilization Planning & Requirements)..... Office Assistant Sec Health Affairs	
Office of Assistant Secretary, Public Affairs..... Dasd (Theater Assessments & Planning)..... Washington Headquarters Services.....	
Ofc of Under Secy of Def for Acquisition Policy.....	
Ofc of the Dir, Defense Research & Engineering.....	
Ofc of Dep Under Secy (Ind & Intl Progs).....	
Ofc of Dep Under Secy (International Programs and Tech).....	
Office of the DUSD (Devel, Test & Evaluation).....	
Ofc of Dep Under Secy for Research and Advanced Tech.....	
Ofc of Dep U/Secy Strategic & Theater Nuclear Forces.....	
Ofc of Dep Under Secy Tactical Warfare Progs.....	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Ofc Director Weapons Support	Staff Spec for Naval Proj & Anti-Air Warfare. Director, Office of Munitions. Staff Spec Intertheater & Intratheater Mobil. Staff Specialist for Propulsion. Director, Land Warfare. Dir, Ofc of Conventional Initiatives. Spec Asst DUSD(TWP) for Tact Syst Acq Prog. Staff Spec for Ship Sys & Naval Technology. Dep Director Weapon Support. Dir Computer Aided Logistics Support Office. Dir, Base Closure and Utilization.
Ofc Dep Asst Secy (Installations)	Dir Standardization & Acquisition Support.
Ofc Dep Asst Secy (Production Support)	Dir Industrial Resources.
Ofc Dep Asst Secy (Procurement)	Dir, Industrial Productivity & Quality. Dep Dir for Manufacturing and Quality. Dep Asst Sec of Defense (Procurement). Director Cost Pricing and Finance. Dir, Contract Policy and Administration. Dir, Defense Systems Procurement Strategies. Dir, Def Acquisition Reg Sys & Council. Dir Foreign Contracting.
Ofc Dep Asst Secy (Environment)	Asst for Acquisition Reform & Contract Simpl.
Ofc Dep Asst Secy (Systems)	Principal Dir (Environmental Restoration).
Ofc Dep Asst Secy (Strategic & Critical Mtls)	Dir Acquisition Logistics & Production Supp.
Office of Dep Asst Secy of Defense (C3)	Dir Strategic & Critical Materials. Director, Information Systems. Dir Theater & Tactical Commun Command & Contr. Dir Strategic & Theater Nuclear Forces C3. Asst Dir, Elec Combat Sys (Elec Warfare). Asst Dir for Elec Combat C3 Countermeasures. Staff Asst S/C, Control & Communications. Dep Dir Theater & Tactical Command Control. Dir, Special Technology Support. Dir, Electronic Combat.
Office of Dep Asst Secy of Defense (Intelligence)	Spec Asst for C3 Mobilization. Director National Intelligence Systems. Director Tactical Intelligence Systems. Dep Dir Tactical Intelligence Systems. Dep Dir, National Intelligence Systems. Dir, Intelligence Resources & Training.
Ofc of Asst Dep Under Secy of Def (Systems Integration)	Dep Dir for Systems and Technology.
Defense Advanced Research Projects Agency	Deputy Director for Research. Chief Scientist. Chief Advanced Technology. Special Assistant for Technology Assessment. Deputy Director, Management. Special Assistant for Special Operations. Dir-Tactical Technology Office.
Tactical Technology Office	Dep Dir Tactical Technology Office. Assistant Dir for Armor/Anti-Armor. Asst Dir Smart Weapons & Sensors.
Aero Space Technology	Director, Aero-Space Technology Office. Assistant Director, Technology. Assistant Director, Systems. Deputy Dir Aerospace & Strategic Technology.
Information Science & Technology Office	Assistant Director, Electronics Sciences. Assoc Dir, Research. Asst Dir, Comms, Command, Control, and Intell.
Naval Technology Offices	Dir, Naval Technology Office.
Defense Sciences Office	Dir Defense Sciences Office.
Prototype Projects Office	Assistant Director for Material Sciences.
Defense Manufacturing Office	Dir, Prototype Planning Office. Dep Dir, Defense Manufacturing Office. Mgr M&M Wave Integrated Circuit Prog.
Contracts Management Office	Dir, Contracts Management Office.
Darpa Liaison Office	Director, Darpa Liaison Office-Europe.
Nuclear Monitoring Office	Dir Nuclear Monitoring Research Ofc. Dep Dir, Nuclear Monitoring Res Office.
Office of the Joint Chiefs of Staff	Scientific and Technical Advisor. Joint Adp/Commun Integ Mgr/Scie & Techn Adv. Dep Dir For C3 Systems Integration. Dep Dir for Technical Operations.
Strategic Defense Initiative Organization	Assistant Director for Interceptors. Assistant Director for Technology. Asst Dir for Sensors Demonstrations. Assistant Director for Sensor Technology. Deputy Comptroller. Deputy Director, Resource Management. Asst Dir for Interceptors & Communications. Chief, Program Control.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Defense Contract Audit Agency.....	Director, Information Systems. Director, Dcaa. Deputy Director, Dcaa. Assistant Director, Operations. Asst Dir, Policy & Plans. Director, Field Detachment.
Regional Managers.....	Regional Director, Eastern. Regional Director, Northeastern. Regional Director, Central. Regional Director, Southwestern. Regional Director, Mid-Atlantic. Regional Director, Western.
Defense Logistics Agency.....	Special Asst for Integrity in Contracting. Dir, Defense Manpower Data Center. Chief Actuary.
Directorate for Contract Management.....	Admr, Defense Logistics Agency Finance Center. Executive Directive, Contract Management. Chief, Plans, Policies & Systems Division.
Directorate of Quality Assurance.....	Dep Exec Dir, Quality Assurance.
Ofc of Staff Dir-Small & Disadvantaged Business Utili.....	Staff Dir, Small & Disadv Busin Utilization.
Office of Civilian Personnel.....	Staff Director, Personnel. Deputy Staff Director, Civilian Personnel.
Ofc of Telecommunications & Information Systems.....	Chief, Ais Development & Control Division.
Directorate of Contracting.....	Executive Director, Contracting. Chief, Contracts Division.
Directorate of Tech & Logistics Services.....	Chf, Property Disposal Div.
Defense Personnel Support Center.....	Exec Dir, Acquisition Mgmt Plan & Support.
Defense Training & Performance Data Center.....	Dir Defense Training and Performance Data Ctr.
Stockpile Management.....	Executive Director for Stockpile Management.
Ofc of Assoc Dir for Eng. Technol & Corporate Planning.....	Assoc Dir for Eng. Technology & Corp Plng.
Special Programs Organization.....	Dep Dir, Special Programs Organization. Spec Asst to the Dir, Spec Prog Organization.
National Communications System.....	Deputy Manager, Natl Communications Systems. Asst Mgr, NCS, Technology & Standards. Asst Mgr, NCS, Plans & Operations.
Center for Command, Control & Communications (C3) Sys.....	Dir, Ctr for Cmd, Ctl & Communications Sys. Dep Dir, Theater Systems. Dep Dir, Mil Satellite Communication System. Dep Dir for Switched Network Engineering. Assoc Dir NMCS/WWMCCS Engineering Integration. S/A to the Dir, CPSI for Satellite Com Sys. S/A to the Dir, CPSI for NATO & Intern'l C3. Asst Dir for Prog Development & Coordination. Spec Asst to Dir, Ctr for C3 for Int Dig Arch. Scientific Advisor for Operations Research. Dep Dir Strategic Systems Directorate.
Defense Communications System Organization.....	Dep Dir, Defense Comm System Organization. Dep Dir, DCS Telecommunications Networks. Deputy Director for DCS Integration.
Defense Communications Engineering Center.....	Dir, Def Communications Engineering Center. Dep Dir, Def Communications Engineering Center. Chf, Interoperability & Standards Office.
Defense Commercial Communications Office.....	Dir Defense Commercial Communications office.
Center for Agency Services.....	Director, Center for Agency Services.
Resource Management Directorate.....	Deputy Director, Resource Management.
Joint Data Systems Support Center.....	Director, Joint Data Systems Support Center. Tech Dir, WWMCCS ADP Tech Support Directorate. Deputy Director, NMCS ADP Directorate.
Joint Tactical Command, Control & Communications Agency.....	Assoc Dir for Technical & Management Support. Asst Dir for Washington Operations. Assistant Director, JTC3A. Dep Dir, Architecture Directorate. Deputy Director for Testing.
Office of the Director.....	Deputy Director. Special Assistant to the Deputy Director.
Acquisition Management Office.....	Dir, Acquisition Management.
Plans, Programs & Requirements Directorate.....	Director for Plans, Programs & Requirements.
Office of the Director, AFRRl.....	Scientific Director, AFRRl.
Operations Directorate.....	Deputy Director, Operations Directorate. Chief, Structural Dynamics Division.
Radiation Sciences Directorate.....	Dir for Radiation Sciences. Chief, Atmospheric Effects Division. Chief, Electronic Effects Division. Chief, Electromagnetic Applications Division.
Shock Physics Directorate.....	Director for Shock Physics.
Test Directorate.....	Chief, Weapons Effects Division. Asst to the D/D (Sci & Technol) for Exper Res. Director for Test.
D M A Headquarters.....	Chf, Nevada Operations Ofc, Test Directorate. Asst Dep Dir for Plans and Requirements.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
	Director of Personnel. Asst Deputy Dir for Programming. Director of Acquisition. Chief, Advanced Technology Division. Dep Dir for Progs, Production & Operations. Dep Dir for Research & Engineering. Dep Dir, Management & Technology. Asst Dep Dir for Production & Distribution. Deputy Dir for transition Management. Asst Deputy Dir for Research & Engineering. Tech Dir, DMA Aero Center. Tech Dir, DMA Hydrographic-Topographic Center. Dep Dir for Prog, Prod & Operations DMA HTC. Dep Dir for Progs, Production and Operations. Chf, Digital Products Department AC. Chf, Digital Products Department HTC. Dep Dir for Program Integration & Operations. Tech Dir/Dep Dir, Combat Support Center. Chief, Scientific Data Dept. Chief, Scientific Data Department. Director, Systems Center. Deputy Director for Systems Development. Technical Director, Reston Center. Dep Dir for Prog, Production and Operations. Dep Dir for Modernization Development. Dir Telecomm Ser C/D Dir for Info Systems. Chief, Digital Products Department. Chief, Data Services Department. Dir, Defense Investigative Service. Deputy Director (Investigations). Dep Dir (Industrial Security). Deputy Director (Resources). Dir, Personnel Investigations Center.
D M A Field Activities	
Defense Investigative Service	
Department of Air Force:	
Ofc of Administrative Assistant to the Secretary	Administrative Assistant to the Secy.
Ofc of Small & Disadv Bus Utilization	Dep Adm Asst.
Office of the Inspector General	Dir, Ofc of Small & Disadv Bus Utilization.
Office of ASAF for Financial Management & Comptroller	Dep Asst Inspector Gen/Spec Investigations.
ODAS Budget	Dep Comptroller.
	Deputy for Budget.
Odas Cost & Economics	Director of Budget Investment.
	Director of Budget Management & Execution.
Odas Accounting, Finance & Banking	Deputy Director of Budget Operations.
Office of ASAF for Acquisition	Assoc Dir of Mgmt Analysis.
Odas Acquisition Management & Policy	Dir Cost Applications & Dir Af Cost Center.
	Deputy for Financial Policy & Banking.
	Dep for Acquisition.
Directorate of Contracting & Mfg Policy	Dep Asst Secy (Acquisition Mgmt & Policy).
Ofc of ASAF for Manpower, Reserve Affairs, Install & Log	Competition Advocate General.
Odas Installations	Director, Test & Evaluation.
Odas Logistics	Assoc Dir of Contracting & Manufacturing Pol.
	Dep for Air Force Review Boards.
Office of ASAF for Space	Deputy for Installations Management.
Office, Asst Vice Chief of Staff	Dep for Supply, Maintenance & Log Plans.
Organization Abolished	Dep for Transportation & Federal Aviation.
Asst Chief of Staff for C3 and Computers	Deputy for Contracting.
	Chief Office of Air Force History.
	Special Advisor.
Ofc of Dep Chief of Staff, Logistics and Engineering	Asst to the Acs Sys for Command Comm & Comput.
	Dir of Technology & Architecture.
	Assoc Dir for Logistics Plans & Programs.
	Chief Modification & O&M Programs Division.
	Chief Combat Support Programs Division.
	Assoc Dir for Engineering & Services.
	Deputy Director for Programs.
	Deputy Director for Construction.
	Assoc Dir of Maintenance Engineering & Supply.
Ofc of Dep Chf of Staff Programs—Resources	Deputy Director of Programs and Evaluation.
Office of Deputy Chief of Staff, Personnel	Dir of Civilian Personnel.
	Deputy Director of Personnel Management.
	Deputy Director for Plans and Requirement.
	Dep Dir for Work Force Effectiveness.
Defense Systems Management College	Chief, Publishing Div.
Air Force Systems Command	Command Competition Advocate.
	Asst for Intelligence.
	Chief Engineer.
DCS/Contracting	Prin Asst/Contracting & Manufacturing.
	Dir Contract Clearance & Policy Development.
DCS/Personnel	Director of Civilian Personnel.
DCS/Product Assurance and Acquisition Logistics	Principal Asst DCS/Product A/A Logistics.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Deputy Chief of Staff/Comptroller DCS/Technology & Plans	Technical Director, Manufacturing & Ind Prep. Technical Director, Product Assurance. Asst to the DCS/Comptroller.
AF Ofc of Scientific Research Space Systems Division	Asst Dep Chief of Staff/Plans and Programs. Director of Plans & Programs. Tech Director AF Ofc of Scientific Research. Asst for Acquisition Management & Competition.
Air Force Space Technology Center Weapons Laboratory	Deputy Program Dir Launch Systems. Deputy Director (Afstc).
Space Physics Division Meterology Division	Techn Dir (Physical Optics, Lasers, Prototype). Dir, Space Physics Div. Afgl.
Optical & Infrared Technology Division Astronautics Laboratory	Ch, Atmospheric Structure Br. Director Optical & Infrared Technology Div.
Electronic Systems Division	Dir., Astronautics Laboratory. Dir, Solid Rocket Div. Asst Dep for Contracting & Manufacturing. Assistant Deputy Commander/Tactical Systems. Asst Dep for Strategic Systems. Tech Dir, Dep Cmd Tactical Syst, J-Tids/Awacs. Technical Director. Dep Comdr for Dev Plans & Support Asystems. Deputy for Product Assurance & Acquis Logist. Executive Director.
Rome Air Development Center	Director (plans). Techn Dir (Intelligence & Reconnaissance). Technical Director (Communications). Technical Dir (Surveillance). Technical Director (Command & Control).
Aeronautical Systems Division Deputy for Development Planning	Deputy Comptroller. Director (Mission Analysis).
Deputy for Contracting & Manufacturing Deputy for Engineering	Asst Deputy for Contracting & Manufacturing. Engineering Advisor Product Assurance Engr. Technical Dir Support Systems Engineering. Technical Dir Avionics Engineering. Techn Dir, Flt Systems Engineering. Dir, Flight Systems Engineering.
Directors of Engineering	Director, Systems Engineering. Director of Engineering (F-16). Director of Engineering Tactical Systems. Dir of Eng Reconnaissance & Elec Warfare Sys. Director of Engineering (Airlift Trainer Sys). Dir Engineering Propulsion Systems. Director of Engineering (Strategic Systems). Dir of Engineering (Advanced Technol Bomber). Dir of Eng, Advanced Tactical Fighter. Dir of Engineering C-17.
Systems Program Offices	Deputy Program Director Propulsion Spo. Deputy Program Director Systems Spo.
Wright Research and Development Center Materials Laboratory	Dir Manufacturing Technology Directorate. Dir Metals & Ceramics Div.
Munitions Systems Division Foreign Technology Division	Dir Nonmetallic Materials Dn. Technical Advisor, 3246 TW.
USAF School of Aerospace Medicine Aerospace Medical Research Lab	Technical Director (Aerospace Systems). Technical Director (Technology and Threat). Research Director (Crew Technology).
Contract Management Division Air Force Logistics Command	Dir. Toxic Hazards Div. Director Human Engineering. Assistant for Contract Administration Service.
	Asst DCS-Comptroller. Asst Dep Chf of Staff, Maintenance. Chairman A F Logistics Command Procur Committ. Assistant DCS/Plans & Programs. Director of Civilian Personnel. A/D Chf of Staff-Contracting & Manufacturing. Asst Dep to the Commander for Intl Logistics. Asst Deputy Chief of Staff, Materiel Mgt. Asst Deputy Chief of Staff Logis Magnt System. Asst Deputy chief of Staff/Distribution. Asst to the Comdr AF Electronic Combat Ofc. Principal Asst for Sci. Technol & Engineering. Special Asst for Depot Maintenance Mgt Sys. Asst to the Commander AFALC.
Air Force Acquisition Logistics Center	Asst to the Commander, Logistics Oper Center.
Air Logistics Center, San Antonio	A/D Aeronautical Prog AF acquisition Log Ctr. Dep Dir, Directorate of Maintenance.
Air Logistics Center, Oklahoma City	Dep. Dir. Material Mgt. San Antonio Log. Ctr. Dep Director, Contracting and Manufacturing. Dep Dir Directorate of Materiel Mgmt. Dep Dir, Directorate of Maintenance. Dep Director, Contracting and manufacturing.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Air Logistics Center, Warner Robins.....	Deputy Director, Directorate of Materiel Mgt. Deputy Dir, Dir of Maintenance.
Air Logistics Center, Ogden.....	Dep Director, Contracting and manufacturing. Dep Dir, Directorate of Maintenance.
Air Logistics Center, Sacramento.....	Deputy Director, Directorate of Materiel Mgt. Dep Dir Contracting & Manufacturing
Air Force Audit Agency	Dep Dir Directorate of Materiel Management. Dep Dir, Directorate of Maintenance.
Electronic Security Command	Dep Director Contracting & Manufacturing. Auditor General of the Air Force.
Air Force Communications Command.....	Asst Aud Gen (Field Activities). Asst Aud Gen (Operations).
Military Airlift Command.....	Asst Aud Gen (Financial + Support Audits). Asst Aud Gen (ACQ + Logistics Audits).
Strategic Air Command	Asst to the Commander Dir, Air Force Comms Computer Syst I/O/c.
Tactical Air Command	Deputy Commander Standard Systems Center. Asst Dep Chf of Staff/Air Transportation.
Headquarters, Pacific Air Forces	Chief, Operations Analysis Division. Chief, Applied Research Division.
U.S. Air Forces in Europe	Chief Scientist Tactical Air Warfare Ctr. Chief, Operations Analysis.
Shape Technical Centre.....	Director of Civilian Personnel. Deputy Director.
AF Space Command	Sr Scientist & Tech Advisor for AFSPACECOM. Scientific Advisor (Test & Evaluation).
AF Operational Test & Eval Ctr (AF Otec)	Director of Academic Affairs. Technical Director.
Air University	Deputy to the Commander, A F Commissary Serv. Dep Asst Comptroller for Accounting & Finance.
Joint Electronic Warfare Center (JEWIC).....	Director of Plans & Systems. Dir, Security Assistance Accounting Center.
Air Force Commissary Service	Scientific Advisor. Operations Research Analyst.
Air Force Accounting & Finance Center	Chf, Ops Res Analyst for Forces & Readiness. Operations Research Analyst for Systems.
U.S. Central Command.....	Ops Research Analyst for Cmd, Cont, C & I. Adm Asst to the Secy of the Army.
Department of Army:	Dep Administrative Assistant. Director, Defense Supply Service-Washington.
Office of the Under Secretary	Asst Deputy Chief of Staff for Ammunition. Program Exec Oper for Combat Supp & Aviation.
Ofc of the Administrative Assistant	Dep Prog Exec Ofcr, Forward Area Air Defense. Dep Program Exec Officer, Combat Support.
HQDA Army Acquisition Executive	Deputy Peo, Close Combat Vehicle. Program Executive Officer—Networks.
OASA Research Development and Acquisition	Dep Prog Exe Ofcr, Army Cmd & Ctrl Syst. Deputy Prog Executive Officer Comm Systems.
ODASA Research and Development	Dep Program Executive Officer, Fire Support. D/Prog Exec Ofcr High Med Air Del/Thr Msle Del.
ODASA Systems Mgmt Integration & Coord.....	Peo Troop Support. Program Executive Officer Stamis.
ODASA Procurement.....	Prog Exec Ofc for Chemical/Nuclear. Prog Exec Officer, Close Combat Armament.
ODASA Management and Programs.....	Dep Program Executive Officer for Aviation. Dep Peo, Intelligence & Electronic Warfare.
Ofc of Asst Secretary (Installations, Logistics & Envtl)	Program Executive Officer, Combat Support. Dep Dir Contracting Support Agency.
OFC of Asst Secy (Financial Mgmt)	Chf, Contracting Policies & Procedures. Dir for Program & Technology Assessment.
	Dep Dir US Contracting Support Agency. Chief, Policy & Procedures Division.
	Deputy for Research & Technology/Chief Scie. Dir for Program Review.
	Dir for Space and Strategic Systems. Deputy Director for Research.
	Director for Technology. Director for Adv Concepts & Tech Assessment.
	Dir Sys Mgt Integ & Coordination Ofc. Deputy Asst Secy of the Army (Procurement).
	Director for Procurement Policy. Deputy for Program Evaluation.
	Deputy for Plans and Programs. Deputy for Plans & Programs.
	Dep for Programs & Install Assistance. Dep Program Exec Officer for Chem/Demil.
	Deputy Director of Army Budget. Deputy Director of Operations & Maintenance.
	Dir of USA Cost & Econ A/C & A/C Cost Anal.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Off of Asst Secretary, Manpower & Reserve Affairs.....	Program Executive Officer, CMIS Director of Review & Oversight. Dir of Fin Management Systems Integration. Dep Asst Secy (Rev BDS & EEO Compl). Dep Dir Fin & Acnts for Poly & Ppbcs Intfca. Deputy for Policy & Evaluation. Deputy for Management and Budget. Deputy for Plngg Pol & Legislation. Deputy for Project Management. Director Missile & Space Intelligence Center. Deputy & Technical Director, FSTC. Special Asst Theatre Defense. Proj Mgr, Exatmospheric Reent Veh Intept. Director, Directed Energy Weapons Directorate. Proj Mgr, High Endo Atmos Def Int Proj. D/S Lethality & Key Technologies Directorate. Dir, Kinetic Energy Weap Directorate. Prin Assistant Resp for Contracting. Chief, Passive Sensors Division. Chf, Active Sensors Div Sensors Directorate. Chf, Discrimination Div Sensors Directorate.
Ofc of Asst Secretary Civil Works.....	Asst Director for Research Programs. Asst Dir, Technology Planning. S/A to Dep Chf of Staff/Personnel/Manprint. Director of Manpower.
Office, Assistant Chief of Staff, Intelligence.....	Director of Civilian Personnel. Dep Director, Ofc Civ Personnel. Chief, Employment and Classification Office. Chief, Civilian Personnel Center.
Ofc of Asst Chief of Staff, Automation & Communications.....	Dir, Systems Rsch Lab & Assoc Dir, Ari. Dir, Trng Res Lab & Assoc Dir, Ari. Dir, Manp & Pers Res Lab & Assoc Dir, Ari. Dep Dir Manpower Programs & Budget. Asst Director for Supply Mgmt. Asst Dir for Resources and Mgmt. Asst Dir for Maintenance Mgmt. Spec Asst to Dcslog & Chf Av Log Ofc. Asst Dir for Transportation. Asst Dir for Energy & Troop Support. Dep to the Commander, Troop Support Agency. Director for Security Assistance. Director for Resources and Management. Chief Economist of the Army.
USA Strategic Defense Command Huntsville AI OSCA FOA.....	Dir, Program Management Sysemsdev Agency. Assoc Dep Assistant Comptroller. Dir, Finance and Accounting. The Auditor General, U.S. Army. Deputy Auditor General. Director, Logistical & Financial Audits. Director, Acquisition & Systems Audits. Dir, Personnel and Force Management Audits. Dir, Audit Policy Plans and Resources. Regional Auditor General (European Region). Tech Adv.
Chf Scientist & Director of Army Research.....	Army Spectrum Manager. Dir, Info Systems Command, Pentagon. Dir, Command Systems Integration Agency. Ofc, U.S. Army Info Syst & Sel Acq Activity. Technical Director. Assistant Dir for Res and Analysis Support. Chief Historian. Director of Academic Affairs. Special Assistant for Biotechnology. Deputy for Science. Scientific Advisor. Scientific Advisor. Asst Deputy Chief Staff Personnel Admin Logis. Asst Deputy Chief of Staff for Resources Mgmt. Director of Operations. Adcos for Training Policy Plans and Programs. Dir, USA Combat Develop Experimentation Ctr. Deputy Director, Trac. Director of Operations. Scientific Advisor. Special Assistant for Transportation Engr. Civilian Personnel Director. Deputy Comptroller. Chief, Office of Personnel. Director, Resource Management. Dir, Engineering and Housing Support Center.
Office, Dep Chief of Staff for Personnel.....	
Directorate of Civilian Personnel.....	
US Total Army Personnel Command.....	
Army Research Institute for Behavioral & Social Sciences.....	
Dir, Manpower Programs and Budget.....	
Office, Deputy Chief of Staff for Logistics.....	
Program Management Systems Development.....	
Finance and Accounting Center.....	
Army Audit Agency.....	
Ofc Dep Chf of Staff for Operations & Plans.....	
Directorate of Command, Control, Comms & Comptuers.....	
US Army Computer Systems Command.....	
US Army Info Syst & Sel Acq Activity.....	
US Army Nuclear & Chemical Agency.....	
Concepts Analysis Agency (OCA).....	
Army Center of Military History.....	
Army War College.....	
USA Med Rsch & Devel Cmd.....	
U.S. Army Med Res Inst of Infectious Dis, Ft Detrick, Md.....	
Training and Doctrine Command (Tradoc).....	
Combat Developments Experimentation Command.....	
Tradoc Operations Research Activity.....	
US Army Tradoc Systems Analysis Activity.....	
Tradoc Combined Arms Test Facility.....	
Military Traffic Mgmt Commnd.....	
U.S. Army Forces Command.....	
U.S. Army Corps of Engineers.....	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Directorate of Civil Works	Chf, Off of Policy. Chf, Program Div. Chf, Planning Division. Chief, Operations & Readiness. Deputy Director, Civil Works.
Water Resources Support Center	Chief, Dredging Division.
Directorate of Engineering & Construction	Dep/Dir, Engineering and Construction. Deputy Chief, Construction Division. Chief, Construction Division. Chief, Engineering Division.
Board of Engineers for Rivers and Harbors	Tech Dir, Bd Engr Rivers and Harbors.
U.S. Army CODE Water Resources Ctr	Director, Institute for Water Resources.
Planning Divisions, CE	Chf, Planning Div, Ohio River Div. Chf, Planning Div, No Pacific Div. Chf, Planning Div, South Atlantic Div. Chief, Planning Div, Lower Miss Valley Div. Chf, Planning Div, Mo River Div. Chf, Planning Div, South Pacific. Chief Planning Div, N. Atlantic Div. Chf, Planning Div, Southwestern Div. Chf, Planning Div, North Central Div.
Engineering Divisions, COE	Chief, Engineering Div., Ohio River Div. Chief, Engineering Div, Southwestern Div. Chief, Engineering Div, N. Central Div. Chief, Engineering Div., S. Pacific Div. Chief, Engineering Div, N Atlantic Div. Chief, Engineering Div, S. Atlantic Div. Chief, Engineering Div, Lower Miss Div. Chief, Engineering Div, Missouri River Div. Chief, Engineering Div, North Pacific Div. Chief, Engineering Div, Pacific Ocean Div. Chf, Engineering Div, Europe Div. Chief Engineering Div, Huntsville Div.
Constuction Divs, COE	Chief, Construction, Operations Div Satl. Chief, Construction, Operations Div, S Western. Chief, Construction, Operations Div, Ohio River. Chief, Construction, Operations Div, LR MS VAL Chief, Construction, Operations Division. Chief, Construction, Operations Division. Chief, Construction, Operations Div, Natl. Chief, Construction, Operations Div, Pacific. Chf, Construction, Operations Division.
Army Materiel Command (AMC)	Dir, U.S. Army Def Ammunition Center & School.
Office of DCS for Information Management	Dir Sustaining Base Network Activity.
Office of DCS Supply Maintenance & Transportation	Asst. DCS for Supply Maintenance & Trans.
Office of the Chief of Staff	Dep Chief of Staff for Product Assur/Testing.
Ofc Dep Cmdg Gen Material Dev Darcom	Prin Asst Dep for Res Develop and Acquisition.
Dir for Devel Engineering & Acquisition	Asst Dept Int'l Program & Technical Transfer.
Ofc Dep Cmolg Gen Matl Readiness	Asst DCS Develop Engineering and Acquisition.
Direc for Internat'l Logistics	Asst DCSAcquisition Management.
Direc for Material Management	Asst DCS for Program Management.
Office of DCS for Procurement	Asst Dept for Materiel Readiness.
Office of DCS for Procurement	Dep Dir of Security Assistance.
Direc for Test, Measurement & Diag Eq	Asst Dep Chf of Staff for Policy & Procedures.
Direc for Personnel Trng & Force Dev	Asst DCS for Readiness.
Office of Comptroller Darcom Hq	Asst DCS for Procurement.
Program Analysis & Evaluation Directorate	Deputy Executive Director for Tmde
Automated Logistics Management Systems Activity	Asst Deputy of Staff for Personnel.
Armament, Munitions & Chemical Command (ARRCOM)	Chief, Civilian Personnel Div.
Office of the Commander Amccom (ARDEC)	Adcs for Resource Mgmt.
Large Caliber Weapon Systems Lab Arradcom	Adcs for Cost Analysis.
Close Combat Armament	Dcs for Program Analysis & Evaluation.
Chemical Sys Lab Amccom	Dir, Automated Logistics Mgt. Systems Activity.
Aviation Systems Command (Avscom)	Director, General Systems Design Activity.
Aviation Research Development & Engineering Center	Comptroller.
	Deputy for Procurement and Production.
	Deputy for Logistics Readiness.
	Dep for Indust Preparedness & Installations.
	A/Tech/Dir/ (Sys Development & Engineering).
	Assoc Tech Dir (Producib & Process Technol)
	Chf Vulnerability Lethality Division.
	Chf, Fire Control Systems Division.
	Dir, Munitions Directorate.
	Director, Research Directorate.
	Dir of Procurement and Production.
	Dir, Avionics Research & Development Act.
	Logistics Director.
	Dir, US Aviation Res & Tech Activity.
	Director of Engineering.
	Director, Aeroflight Dynamics.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Communications & Elect Comd (CECOM).....	Director, Propulsion Directorate. Dep Proj Manager, Light Helicopter family. Director, Aero Structures Dir. Comptroller.
US Army Communication Electronics Comm.....	Dir of Product Assurance and Test. Dir, Communications/ADP Directorate. Asso; Techn Dir (Research & Technology). Dir, Comd, Control, C/I (C3I) L & R Center.
Communications Res & Dev Command (CORADCOM).....	Dir Systems Engineering and Integration.
Program Mgr Army Tactical Data Systems (CORADCOM).....	Dir, Life Cycle Software Engineering Dir.
Depot Systems Command (DESCOM).....	Deputy for Command Operations.
US Army Laboratory Command.....	Dep for Supply, Maintenance & Transp. Assoc Technical Dir for Res & Technology.
Harry Diamond Labs (HDL).....	Assoc Tech Dir for Elec Warfare and Intel. Director, Harry Diamond Laboratories.
US Army Laboratory Command.....	Director, Harry Diamond Laboratories.
Army Research Office (AMC).....	Dir, Technical Applications Lab.
US Army Ballistic Research Laboratory.....	Chief Scientist.
Research Development & Engineering Center.....	Dir, Engr Sci Div. Dir, Chem & Bio Sci Div. Chf, Sys Engineering & Concepts Analysis Div. Chief, Interior Ballistics Division.
Project Management Offices (MICOM).....	Chf, Launch and Flight Division.
Engineering Lab (MICOM).....	Chf, Terminal Ballistics Div.
Research Development & Engineering Center.....	Director for Procurement.
Troop Support Command (TROSCOM).....	Dir, Missile Logistics Ctr.
Belvoir Research & Development Center.....	Director of Product Assurance.
Natick Research Development & Engineering Center.....	Director for Directed Energy. Dir for System Engineering & Production.
Tank-Automotive Comd (TACOM).....	Dir for Test and Evaluation.
Tank-Automotive Res & Dev Cmd (TARADCOM).....	Director for Advanced Sensors.
Test and Evaluation Command (TECOM).....	Chief, Advanced Technology Function.
Aberdeen Proving Ground, MD. T&E Command.....	Associate Director for Systems.
Army Materiel Systems Analysis Activity (DARCOM).....	Dep Director, Applied Technology Directorate. Deputy for Procurement and Readiness.
Army Information Systems Command.....	Director of Procurement and Production.
Headquarters, US Army, Europe.....	Dir, Combat Engineering Directorate.
Headquarters, US Army Intelligence Agency.....	Director, Logistics Support Directorate.
Army Intel and Security Command.....	Director, Individual Protection Laboratory.
NICSMA, NATO.....	Director, Science & Adv Tech Directorate.
Defense Systems Management College.....	Director, Food Engineering Directorate.
DOD Wage Fixing Authority.....	Comptroller.
National Defense University.....	Dir for Procurement and Production.
Department of the Navy:	Director of Product Assurance.
Office of the Secretary.....	Dir, Tank-Automotive Technology Directorate.
Office of the Under Secretary of the Navy.....	Asst Deputy for Procurement and Readiness.
Office of the Auditor General.....	Associate Director for Systems.
Naval Audit Service.....	Dir for Test and Assessment.
Ofc of the Asst Secy of the Navy (Manpwr & Res Affs).....	Technical Director, Combat Syst Test Activity.
Office of Civilian Personnel Management.....	Director.
	Chf, Combat Support Div—AMSAA. Chf, Air Warfare Div.
	Chf, Reliability, Availability & Maintainability.
	Chf Ground Warfare Division—AMSAA.
	Chf, Logistics Readiness & Analysis Division.
	Deputy Chief of Staff for Resource Management.
	Technical Director.
	Asst Dep Chf of Staff, Personnel (Civ Pers).
	Asst Dep Chief of Staff Eng for Eng & Housing.
	Asst Dep Chf of Staff, Resource Mgmt—USAREUR.
	Deputy Director.
	Deputy for Policy & Development.
	Asst Dir, Command, Control and Comms Syst.
	Deputy Commandant (Provost).
	Director, Technical Staff.
	Dir, Information Resources Management College.
	Spec Asst (Merchant Marine & Def Matters).
	Dir, Naval Industrial Management Program.
	Assistant for Administration.
	Auditor General of the Navy.
	Director, Plans and Policy.
	Dir, Naval Audit Service, Western Region.
	Dir, Naval Audit Service, Capital Region.
	Director, Plans and Policy.
	Director, Audit Operations.
	Staff Dir, Manpower Analysis Staff.
	Dir, Ofc of Civilian Personnel Management.
	Personnel Policy Manager.
	Director, Skills Acquisition Department.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
OPM—Pacific Region	Personnel Policy Manager. Dir, Classification, Compensation & Info Dept. Dep Dir, Ofc of Civilian Personnel Mgmt. Director, Pacific Region.
Ofc of the Asst Secy of the Navy (Shpblgd & Logs)	Director, Contracts & Business Management. Asst Dep Chf, Nav Mat (Reliability and Eng). Director, Financial Management Office. Assistant Director, Contracts & Pricing Div. Director of Acquisition for Special Programs. Specification Control Advocate General.
Ofc of the Asst Secretary of the Navy	Dir, R & D Programming & Budgeting Division. Dir for Low Observable & Technol & Spec Prog. Deputy Director, Air Warfare.
Ofc of the Asst Secy of the Navy (Financial Management)	Spec Asst for Info Res Mgmt (IRM) Cost Anal. Assoc Dir, Information Resources Management. S/A for Cost A/T Dir, Naval Ctr for Cost Anal.
Naval Center for Cost Analysis	Assoc Dir, Budget & Reports/Fiscal Manag Div. Exec Asst Compt for Financial Mgmt Systems. Counsel.
Office of the Comptroller of the Navy	Dir, Investment & Dev Div. Dir, Budget & Mgmt, Policy and Procedures Div. Exec Asst Comptroller for Accounting Policy. Dir, Budget Evaluation Group. Dir, Finance Control Division.
Navy Comptroller Standard Systems Activity	Director, Civilian-Contractor Manpower Div.
Office of the General Counsel	Dir, Navy Comptroller Standard Syst Activity.
Director-Naval Administration/Asst Vice CNO	Asst General Counsel (Acquisition). Asst Gen Counsel (Civilian Personnel Law). Dir Naval History/Dir, Naval Historical Ctr.
Director, Navy Program Planning	Asst for Educational Resources. CNO Executive for Total Quality Management. Head, Studies & Analysis Branch.
Director Naval Medicine & Surg General	Asst Dir for Readiness Appraisal.
Director Space Command and Control	Deputy Director for Programming.
Director, Naval Warfare	Head, Logistics & Fleet Support Branch.
Office of the Oceanographer of the Navy	Director Resources Division.
Director, Naval Intelligence	Dir, Electromagnetic Spectrum Management.
DCNO (Manpower, Personnel & Training)	Advanced Technology Advisor.
Office ACNO (Undersea Warfare)	Technical Director.
Office DCNO (Logistics)	Techn Dir, Naval Warfare Anal A/F Level Plans.
Office ACNO (Air Warfare)	Technical Director.
Naval Military Personnel Command	Advisor for Research & Development Programs.
Navy Personnel RSCH & Devl Center	Deputy Director of Naval Intelligence.
Naval Observatory	Director, Special Liaison Group.
Naval Data Automation Command Headquarters	Asst. for History/Intelligence Community Affs.
Naval Security and Investg Comm	Dir, Total Force Info Res & Sys Mgmt Div.
Naval Security Group Command Headquarters	Dir, Civilian Personnel Programs Division.
Naval Technical Intelligence Center	Tech Dir, Submarine & SSBN Security Program.
Bureau of Medicine & Surgery	Dir, ILSP, Technol & Assessment Division.
Naval Medical Research Institute	D/Dir Joint Operatnl Logis Plans & Progs Div.
Military Sealift Command	Director Strategic Sealift Division.
Naval Tactical Support Activity	Spec Asst for Aviation Budget and Acquisition.
Naval Space Command	Special Asst for Technology and Analysis.
Naval Oceanography Command	Dir Military Pay Financial Mgmt Directorate.
OFC of Commander in CHF/Allied Forces/Southern EUR	Technical Director, NPRDC.
Office of the Commander-in-Chief Pacific	Dir, Time Service Div.
OFC of the Chief of Naval Education and Training	Technical Director.
	Dir, Naval Data Automation Command.
	Dir, Naval Investigative Service.
	Special Assistant for Threat Assessment.
	Technical Director.
	Director of Threat Assessments.
	Director of Analysis.
	Dep Commander for Fin Mgmt & Comptroller.
	Scientific Director.
	Counsel.
	Engineering Officer.
	Comptroller.
	Vice Commander.
	Dir Navy Tactical Support Acty.
	Technical Director.
	Technical/Deputy Director.
	Director, Tactical Development & Training.
	Scientific Advisor.
	Deputy Fleet Inspector General.
	Shore Facilities Management Officer.
	Chief, Research & Analysis.
	Comptroller.
	Deputy Chief of Naval Education & Training.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Executive Development Cadre	Director ROTC Selection and Placement. Director, Civilian Resources Management Dir. Science and Technology Advisor. Technology Assessment Consultant. Asst for RDT&E/Acquisition Management. Spec Asst for Total Quality M & S Acquisition. Spec Asst Prin Dep Asst Secy Navy (Res E & S). Spec Asst to the Chf Engineer of the Navy.
Strategic Systems Program Office	Director, Plans & Programs Division. Hd, Guidance Section. Head Fire Control Section. Head Operations Engineering Section. Test & Instrumentation Branch Engineer. Branch Engr, Launcher Branch. Sec Engr, Engrg Section. Hd, Navigation Equip Sect. Chf Engr, Missile Branch. Chf Engr. Br Engr Fire Control & Guidance Br. Branch Engr, Ship Installation & Design Br. Sect Head, Reentry Systems Sect, Missile Br. Deputy Logistics Support Coordinator. Director Plans & Programs Division. Deputy Director, Plans & Programs Division. Head, Resources Branch. Branch Engineer, Navigation Branch. Asst for Systems Integration & Compatibility.
Naval Air Systems Command Headquarters	Deputy Dir Logistics/Fleet Support & Group. Executive Director, Management, Plans & Progr. Exec Dir for Acquisition Management. Exec Dir, Procurement Management. Deputy Comptroller. Counsel, Naval Air Systems Command. Technical Director, Weapons Engineering Div. Dir, Engineering Sup & Prod Integ Mgmt Div. Techn Dir, Computer Resources & Avionics Div. Director, Weapons Division. Dir, Evaluation Div. Techn Dir, Res & Techn. Technical Director Air Vehicle Division. Asst Dir Logistics Mgmt Div. Dir Aircraft Weapons Systems Purchase Div. Prog Dir, Air, for Weapon & Armament Programs. Prog Dir/Air for EW & Mission Support Prog. Dir, Missile Weapons Systems Contracts Div. Dir, Systems Acquisition Directorate. Tech Dir, Unmanned Aerial V/J Project Office. Special Asst for TOM. Director Cost Analysis Division. Technical Director Joint Cruise Missile Program. Dir, Surveillance and Avionics Division. Dir, Systems Alternatives Directorate. Techn Dir, Navy Ranges & Field Activity Mgmt. Dir Mission and Effectiveness Analysis Div. Director, Aircraft Division. Asst Dir Propulsion & Power Division. Assoc Dir Systems Engineering Mgmt. Deputy Commander, Naval Air Sys Command. Dir Cruise Missile Contracts Division. Director, Procurement Budget Division. Director Airborne Weapons Logistics Division. Deputy Counsel, Navair. Executive Dirctoe for Aviation Depots. Director, Corporate Management Directorate. Dir, Information Resources Mgmt Division. Dir, ASW/Support A/A Components Contracts Div. Exec Dir for Fleet Support/Product.
Nava: Air Engineering Center	Executive Director. Chief Engineer.
Naval Air Test Center	Executive Director. Dir, Systems Engineering Test Directorate. Dir, Range Directorate.
Naval Avionics Center	Executive Director. Dir of Applied Research. Director of Engineering. Director of Plans and Programs.
Pacific Missile Test Center	Assoc Dir and Assoc TD (Ranges and Tests). Dir, Weapons Evaluation Directorate. Executive Director. Dir Elec Warfare Dir/Assoc Tech Dir (Elec/WF).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Naval Training Systems Center.....	Technical Director. Director of Research & Technology. Director of Engineering.
Space & Naval Warfare Systems Command.....	Asst Commander for Res & Development Centers. Exec Dir, Contracts. Techn Dir, Ship & Shore Communications. Deputy Prog Director/Technical Director. Tech Dir, Navy Space Project Ofc. Asst Project Mgr for ELF Communications. Assoc Deputy Program Manager/Technical Dir. Dep Program Mgr Directed Energy Laser Weapons. Deputy Comptroller. Counsel. Deputy Commander. Technical Director. Deputy Project Mgr/Tech Dir Com Sys Proj Ofc. Prog Mgr for Comms (RF) Satellite Systems. Technical Director, Submarine Communications. Techn Dir, Surveillance D/A Development Prog. Dep & Techn Dir, NCCS Afloat Prog Office. Dep Prog Dir, Space & Sensor Sys Directorate. Executive Director, Life Cycle Support Group. Asst Commander Acquisition & Logistic Plngg. Tech Dir Info Transfer Sys Program Directo. Techn Dir, Warfare Syst Architecture Group. Techn Dir, Undersea Warfare Prog Directorate. Tech Dir, Warfare Systems Engineering. Dep Cmdr for Navy Lab/Director of Navy Lab. Dir, Warfare Sys Engineering Policy Div. Techn Dir, Advanced Anti-submarine Wrfr Prog. Tech Dir, Warfare Sys Arch & Engr Direct. Techn Dir, Satellite Communications Prog Ofc.
Naval Air Development Center.....	DIR, Aircraft and Crew Systems Technology Dire. Technical Director/Consultant. Associate Technical Director. Department Head. Dept Head, Mission Avionics Technology Dept. Head Systems & Software Technology Department. Head, Tactical Air Systems Department. Head, Warfare Systems Analysis Department. Weapons Systems Technology Manager. Head, Air Vehicle Technology & Programs. Assoc Dir for Antisubmarine Warfare. Assoc Dep Head A/W D/Head, ASW A/D Division.
Naval Coastal Systems Center.....	Tech Dir/Consultant Head, Research & Technology Department. Head, Coastal Warfare Systems Department. Head, Undersea Warfare Systems Department. Head, Surveillance Dept.
Naval Ocean Systems Center.....	Dir, Undersea Weapon Systems Department. Head, Engineering & Computer Sciences Dept. Chf Res Scientist (Arctic Submarine Tech). Technical Director/Consultant Deputy Technical Director. Head, Marine Sciences & Technology Dept. Head, Command and Control Department. Head, Communication Department.
David Taylor Research Center.....	Director, Systems Planning Group. Associate Tech Dir for Sys Development. Asst Tech Dir (Research Consultant). Assoc Tech Dir for Aerodynamics. Tech Dir Consultant. Associate Technical Director for Structures. Assoc Tech Dir, Computation & Mathematics. Assoc Tech Dir for Ship Acoustics. A/T Dir for Propulsion & Auxiliary Systems. Assoc Tech Dir for Ship Performance. Assoc Techn Dir for Materials Sci & Technology. A/T Dir for Ship E/S & Head, Ship E/S Depart. Assoc Tech Dir for Tech & Dir of Tech & Plans.
Naval Surface Warfare Center.....	Tech Dir Consultant. Dept HD/Dep Tech Dir/Assoc Tech Dir. Dept HD/Dep Tech Dir/Assoc Tech Dir. Dept HD/Dep Tech Dir/Assoc Tech Dir. Dept HD/Dep Tech Dir/Assoc Tech Dir. Dept HD/Dep Tech Dir/Assoc Tech Dir. Dept HD/Dep Techn Dir/Assoc Tech Dir. Dept HD/Dep Tech Dir/Assoc Tech Dir. Dept HD/Dep Tech Dir/Assoc Tech Dir. Dept HD/Dep Tech Dir/Associate Tech Dir.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Naval Underwater Systems Center.....	Dep H/D Tech Dir/Assoc Tech Director. Head, Protective Systems Department. Head, Submarine Sonar Department. Assoc Tech Dir for Technology. Tech Dir, Consultant. Head, Test & Evaluation Department. Assoc Tech Dir for Submar Combat Control Acou. Assoc Techn Dir for Submarine Warfare Sys. A/T Dir for Surface Anti-Submarine Warfare ASW. Hd, Submarine Electromagnetic Sys Dept. Head Combat Control Systems Department. Hd/Environmental & Tactical Support Sys Dept. Head Combat Systems Analysis Staff. Laboratory Dir/Deputy Tech Dir.
Naval Weapons Center.....	Asst Tech Dir Dev (E/W)/Hd Elec Warfare Dept. Asst Tech Dir Deve (Ord Sys) & Dept Head. Tech Dir/Consultant. Asst Tech Dir for Res & Head Res Dept. Test & Eval Dir/Asst Tech Dir for Test & Eval. Asst Tech Dir for Aircraft Wpns Integration. Asst Tech Dir for Engnr & Head Engnr Dept. Asst Tech Dir for Fuzes/Hd Fuzes Dept. Asst Tech Dir for Weapons & Head Weapons Dept. Asst Tech Dir for Head, Range Department. Asst Tech Dir for P/E/H, Plans & Eval Dep. Asst Techn Dir for Technol B/T Base Director.
Naval Facilities Engineering Command.....	Counsel. Dep Dir of Programs & Comptroller. Deputy Commander for Contracts. Chief Engineer. Techn Advisor-Real Property Management. Deputy Assistant Commander for Construction. Asst Commander for Engineering & Design. Asst Commander for Facilities & Transp. Spec Advisor for Res Dev, Test & Evaluation. Executive Director, Broadway Complex.
Naval Facilities Eng Command Western Div.....	Technical Director.
Naval Civil Engineering Lab.....	Dir, Research Techn & Assessment Ofc.
Naval Sea Systems Command.....	Executive Dir for Combat Sys Engineering. Executive Dir for Electronic Warfare. Counsel. Asst Dep Commander for Contracts. Dep Proj Mgr & Tech Dir. Executive Director/Deputy Comptroller. Dep Prog Mgr, Seawolf Class Submne Acq Prog. Dir Ship Survivability Subgroup. Dir Preliminary Design Div Ast Deputy Dir Sdg. Program Mgr, Mine C & C Minehunter Sap. Dep/Tech Dir, ASW & Undersea Warfare Sys Dir. Dir, Submarine Systems (S5W & S8G) Division. Director-Reactor Materials Division. Head Advanced Design Branch. Head, Improved Reactor Design Branch. Dir-Secondary Plant Components Division. Asst Dir React Engr Div, Hd Adv Reactor Br. Dir, Structural Integrity Subgroup. Director, Naval Architecture Subgroup. Deputy Director, Auxiliary Systems Subgroup. Deputy Director, Ship Design Group. Director, Hull Engineering Group. Director Cost Estimating & Analysis. Dir, Shipbuilding Contracts Division. Asst Dep Cmdr, Ind/Fac Mgmt Directorate. Executive Director, Surface Ship Directorate. Exec Dir Submarine Directorate. Dep Proj Mgr/Tech Dir Aux & Spec Mission Ship. Dep Chief Engineer for Logistics. Deputy Director, Supship Management Division. D/C Engineer, Design & Manufacturing Quality. Tech Dir Theater Nuclear Warfare Prog Office. Dep Prog Manager Tech Dir Attack Subm Prog. D/P Mgr, Gas Turbine Combatant Ship Prog Ofc. Dir, Nuclear Propulsion Logistics Division. Dep Prog Manager, Aircraft Carrier Prog Ofc. Dir, Special Systems Contracts Division. Deputy Director for Submarines. Dir Surface Ship Systems Division. Deputy Director, Nuclear Components Div. Technical Assistant for Surface Ship Systems. Dir, Ship Silencing Offcd.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
	Dir, Propulsion Systems Subgroup. Dir, Hull Systems Subgroup. Exec Director, Combat Systems Directorate. Director, Field Operations Subgroup. Director, Machinery Group. Director, Materials Engineering Office. D/D D/T Dir, Amph & Combat S/S Logistic Div. Dep Dir, Electrical Systems Subgroup. Exec Dir, Anti-Air & Surface Warfare Systems. Torpedo Mk 48/Adcp Deputy Program Manager. Exec Dir, Ship Design & Engrng Directorate. Prog Mgr, Amphibious W & S Sealift Program. Director Naval Shipyard Operations Group. Dir, Surface Systems Contracts Division. Assoc Director for Regulatory Affairs. Dep Commanded for Acquisition Plan Appraisal. Exec Dir, Amph, Aux, Mine & Sealift Ships Dir. Dir, Reactor Refueling Division. Deputy Counsel. Dir Environmental Protection Office. Exec Dir, Aegis Shipbuilding Program. Project Manager, Deep Submergence Sys Project. Deputy Commander. Dir, Advanced Programs Office. Dir/ Consolidated Civ Pers Ofc/ Crystal City. Technical Director. Technical Director. Technical Director. Technical Director. Technical Director. Technical Director. Counsel. Asst Dep Cmdr for Fin Mgmt/Comp. Asst Dep Commander, Contracting Management. Asst Dep Commander for Financial Management. Director Breakout Division. A/D Commander, Inventory & Info Syst Dev. Dir Advanced Logis Tech Div. Prog Mgt and Technology Program Mgt Office. Exec Dir, Acquisition Mgmt & Planning. Executive Dir for Contracts & Business Mgmt. Exec Dir Acquisition & Logistics Plng & Suppt. Executive Dir Logistics Planning & Support. Exec Dir, ADP System Planning and Development. Executive Director, Planning and Resources. Exec Dir, Logistics Planning and Support. Fiscal Dir of the Marine Corps. Dir Contracts Division. Counsel for the Commandant. Accounting & Fin Officer of the Marine Corps. Special Assistant to the Dir of Intelligence. Deputy Director Materiel Division. Spec Asst to the Dep Chf Installations/Logist. Asst Dep Chief of Staff for Manpower. Asst Dep Chf of Staff for Requirements & Prog. Executive Director Magtec. Executive Dir for Logistics Operations. Director Contract Research Department. Dir, Fin Mgmt/Compt/Spec Asst(FM) to ASN(R,E&S). Director, Ofc of Naval Research. Dir of Planning and Assessment. Dep Dir for Technology Programs. Director, Computer Science Division. Dir, Ocean Biology/Optics/Chemistry Division. Director, Acquisition. Deputy Counsel (Patents). Director, Ocean Engineering Division. Counsel, Office of Naval Research. Director, Physics Division. Director, Chemistry Division. Dir, Cognitive & Neural Sciences Div. Director, Life Sciences Directorate. Director, Biological Sciences Division. Dir, Mathematical & Physical Sciences Dir. Dir, Mathematical Sciences Division. Dir, Engineering Sciences Directorate. Director, Electronics Division. Director, Geophysical Sciences Division. Director, Ocean Sciences Division. Dir, Environmental Sciences Directorate.
Consolidate Civilian Personnel Office/Crystal City.....	
Naval Ship Systems Engineering Station.....	
Naval Weapons Support Center.....	
Naval Weapons Section, Seal Beach.....	
Naval Undersea Warfare Engineering Station.....	
Naval Ship Weapons Systems Engineering Station.....	
Naval Ordnance Station.....	
Naval Supply Systems Command Hdqtrs.....	
Navy Ships Parts Control Center.....	
Navy Aviation Supply Office.....	
Navy Fleet Material Support Office.....	
Naval Supply Center, Norfolk.....	
Organization Abolished.....	
U.S. Marine Corps Headquarters Office.....	
Marine Corps Combat Development Command.....	
Marine Corps Logistics Base, Albany, GA.....	
Office of Naval Research.....	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Office of Naval Technology.....	Deputy Comptroller. Director, Materials Division. Director, Office of University Affairs. Dir Mgmt & Manpower. Assoc Dir, Contract Research Department. Dir Anti/Air Anti/Surf Warf & Aerospace Tec Div. Dep Tech Dir/Dir, Tech Plan'g & Assess Group. Dir, Office of Naval Technology. Dir, Industry Independent Res & Devel Dir. Dir, Support Technology Directorate. Chief Scientist. Dir Anti Submarine Warfare & Undersea Tech.
Ofc of Naval Research Detachment, Boston.....	Dir, Applied Physics Field Division.
Naval Liaison Ofc, Far East.....	Dir, Ofc of Naval Res Liaison Ofc, Far East.
Naval Oceanographic and Atmospheric Research Laboratory.....	Technical Director.
NATO SACLANT ASW Research Center.....	Assoc Tech Dir & Dir, Ops Res & Strat Plnng. Assoc Tech D & D, Atmospheric Sci Directorate. Assoc Tech Dir&Dir, Ocean Science Directorate. Assoc Tech Dir&Dir Ocean Acoustics & Tech Dir.
Naval Research Laboratory.....	Director NATO SACLANT ASW Research Centre.
	Superintendent, Chemistry Division.
	Superintendent, Optical Sciences Div.
	Supt Materials Sci and Tech Division.
	Superintendent, Plasma Physics Div.
	Supt Condensed Matter & Radiation Sci Div.
	Assoc Dir of Res for Matl Sci & Comp Technol.
	Superintendent, Info Technol Div.
	Head Combustion and Fuels Branch.
	Chf Sci, Lab for Structure of Matter.
	Dir of Research.
	Superintendent Space Science Div.
	Supt, Radar Div.
	Cont Therm Res Coord/Hd, Exp Plas Physics Br.
	Assoc Dir of Res for Gen Sci & Technol.
	Supt, Acoustics Div.
	Superintendent Electronics Technology Div.
	Supt, Tactical Electronic Warfare Div.
	Supt Underwater Sound Reference Division.
	Chief Sci Lab for Computational Physics.
	Dir, Nv Ctr for Applied Res in Artil Intel.
	Chf Scientist & Head, Solar Physics Program.
	Chf Scie/Head, Radio/Infrared Astronomy Progr.
	Assoc Dir of Res for Business Operations.
	Chief Scientist & Beam Physics Program.
	Superintendent, Space Syst Technology Dep.
	Head Elect Warfare Strategic Planning Org.
	Assoc Dir of Rese for Technical Services.
	Assoc Dir of Research for Strategic Planning.
	Head Program Coordination Office.
	Assoc Dir of Res for Warfare Sys & Sensors Res.
	Superintendent, Space Syst Development Dep.
	Superintendent, Spacecraft Engineering Dep.
	Dir, Naval Center for Space Technology.
	Chief Scientist for Telecom & Director.
Department of Education:	
Management.....	Dir Admin Resource Management Service.
	Director Personnel Management Service.
	Director Financial Management Service.
Inspector General.....	Director, Grants and Contracts Service.
	Assistant Inspector General for Audits.
	Asst Insp Gen for Policy Plng & Mgmt Serv.
	Asst Inspector General for Investigation.
	Dep Asst Insp Gen for Audit Operations.
	Dep Asst Inspector Gen for Techn Audit Svc.
General Counsel.....	Associate General Counsel.
	Asst Gen Coun for Busin & Adm Law.
	Asst General Counsel for Educational Equity.
	Asst Gen Counsel for Regulations.
Educational Research and Improvement.....	Research Coordinator.
	Senior Advisor on Library Programs.
National Center for Education Statistics.....	Adm, National Ctr for Educational Research.
	Chief, Mathematical Statistician.
Department of Energy:	
Office of Hearings & Appeals.....	Dep Dir for Legal Analysis.
	Dep Dir for Financial Analysis.
	Dep Dir for Econ Analysis.
Albuquerque Operations Office.....	Div, Quality Engr Div.
	Dir, Facilities & Project Mgt Division.
	Dir Transportation Safeguards Div.
	Dir Budget & Resources Mgmt Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Chicago Operations Office.....	Dir Productive Operations Div. Dir, Weapons Programs Div. WIPP Project Manager. Dir of Emergency Plans & Operations. Asst Manager. Dir Ofc of Mgt Plan & Analysis. Deputy Asst Manager. Asst Manager for Administration. Area Manager Batavia Area Office. Asst Mgr for Laboratory Management. Assistant Manager for Administration. Chief Counsel. Assistant Manager for Administration. Assistant Manager for Administration. Asst Manager for Administration. Asst Manager for Financial Affairs. Asst Mgr for Admin. Asst Mgr for Safety Environment & Security. Asst Mgr for Admin. Dir Ofc of Special Programs. Asst Mgr for Admin. Senior Asst Admr for Power Management. Asst Admr for Mgmt Svcs. Spec Asst for Policy and Planning. Manager, Western Regional Audit Office. Director Program Development Division. Manager, Eastern Regional Audit Office. Director Audit Management Division. Dir Capitol Regional Audit Office. Asst Insp Gen for Inspec. Asst Inspector General for Investigations. Deputy Asst Inspector Gen for Investigations. Director, EIA-ADP Services Staff. Dir. Ofc of Oil and Gas. Director Petroleum Supply Division. Chief Data Analysis and Support Branch. Dir, Reserves and Natural Gas Division. Director Petroleum Marketing Division. Dir Ofc of Coal Nucl Elec & Altern Fuels Director Electric Power Division. Dir, Nuclear and Alternate Fuels Division. Dir Coal Division. Director, Ofc of Energy Markets & End Use. Director Economics & Statistics Division. Dir Internl & Contingency Planning Division. Dir, Energy Analysis & Forecasting Division. Dir Energy End Use Div. Dir Ofc of Statistical Standards. Director Quality Assurance Division. Dir Photovoltaic Energy Technology Div. Deputy Director, Ofc of Industrial Programs. Dir, Geothermal Technology Div. Dir, Biofuel & Municipal Waste Tech Div. Dir, Solar Thermal Technology Div. Director, Office of Environmental Audit. Assoc Dep Asst Secy for Military Application. Associate Director of Military Applications. Dir, Ofc of Weapons Res, Dev and Testing. Dir Div of Scien & Technological Intelligence. Director Ofc Mgmt Support. Dir Ofc of Program Analysis & Financial Mgmt. Dir, Ofc of Energy Emergency Pol & Eval. Scientific Computing Staff. Director, Fiscal Management Division. Deputy Dir for Management. Director for Management. Deputy Dir for Nuclear Safety safeguard. Director, Human Health & Assessment Div. Dir Health Effects Research Division. Dir, International Programs Staff. Dir, Confinement Systems Div. Dir Engr Math and Geo Sci Div. Dir Chem Sci Div. Dir Adv Egy Proj Div. Dir Mat Sci Div. Chf Processes and Tech Br. Dir High EN Physics Div. Director, Ofc of Resource Management. Program Manager for Commissioned Submannes. Dir Reactor Safety & Computation Div.
Idaho Operations Office.....	
Nevada Operations Office.....	
Oak Ridge Operations Office.....	
Richland Operations Office.....	
San Francisco Operations Office.....	
Savannah River Operations Office.....	
Bonneville Power Administration.....	
Western Area Power Administration.....	
Ofc of the Inspector General.....	
Ofc of Asst Insp Gen for Audits.....	
Ofc of Asst Insp Gen for Inspections.....	
Ofc of Asst Insp Gen for Investigations.....	
Energy Information Administration.....	
Office of Oil & Gas.....	
Ofc. of Coal, Nuclear, Electric & Alternate Fuels.....	
Office of Energy Markets & End Use.....	
Office of Statistical Standards.....	
Asst. Sec. for Conservation & Renewable Energy.....	
Office of Industrial Programs.....	
Office of Renewable Technology.....	
Deputy Asst Sec for Environment Safety & Health.....	
Dep Asst Sec for Military Application.....	
Office of Military Application.....	
Deputy Assistant Secretary for Intelligence.....	
DAS for Planning & Resource Management.....	
Dep Asst Sec for Energy Emergencies.....	
Office of Energy Research.....	
Office of Management.....	
Office of Health & Environmental Research.....	
Office of Fusion Energy.....	
Office of Basic Energy Sciences.....	
Office of High Energy & Nuclear Physics.....	
Dep A/S Sec for Mgmt Planning & Technical Coord.....	
Deputy Assistant Secretary for Naval Reactors.....	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
	Dir Submarine Systems Div. Dir Instrumentation & Control Div. Director Office of Resources Management. H/L R/P, Budgeting, Upgrading & A/D Section. Dep Dir Kesseling/Windsor/Site/CGN/S6G REC SV. HD Surface Ship Section. Asst Program Manager for Surface Ships. Deputy Director for Naval Reactors. Prog Mgr for Prototypes & Sapso. Asst Chief Physicist. Director Nuclear Technology Div. Dir Reactor Engineering Division. Head, Core Manufacturing Branch. Dep Director Reactor Materials Division. Director, Fiscal Division. Program Manager for Shipyard Matters. Dir Nuclear Components Division. Senior Naval Reactors Representative. Manager, West Milton Field Ofc. Prog Manager for Advanced Submarines. Head Advanced Concepts Branch. Asst Manager for Operations. Senior Naval Reactors Rep (Pearl Harbor). Manager, Idaho Branch Office. Asst Manager for Operations. Dir, Ofc of Techn Deployment & Strategic Pting. Dir Isotope Production & Distribution Prog. Deputy Asst Secretary for Administration. Dir Ofc of Admin Svcs. Dep Dir Ofc of Admin Serv. Dir, Prog/Const Mgm, Proce & Operations Div. Dep Dir Ofc of Project and Facilities Mgmt. Director, Policy Development Division. Dir Ofc of Adp Mgmt. Dep Dir Ofc of Adp Mgmt. Dir Ofc of Comp Serv and Tel Mgmt. Dep Dir Ofc of Comp Serv and Tele Mgmt. Dir Div of Telecommunications. Dir, ADP & Communications Services. Dir Information Systems Division. D/ADP Telecomm Pning & Integrity Division. Deputy Asst Secy for Human Resource Mgt. Assoc DAS for Proc & Human Resource Mgmt. Dir Office of Personnel & Career Development. Director, Personnel Policies and Programs. Dir Empl Dvlmt & Trng Div. Dir HQ Personnel Operations Div. Dir Ofc of Industrial Relations. Dir Ofc of Org and Mgmt Sys. Dir Management Sys Analysis Div. Dir Manpwr Res Mgmt Div. Dir, Org, Planning, Management & Ops Div. Assoc Deputy Asst Secy for Prol & Asst Mgmt. Assoc Dir of Procurement for Competition. Prin D/A Secy & DAS for Procurement/Asst Mgmt. DAS for Procurement & Assistance Mgt. Dir of Sm and Disadv Bus Utilz. Dir Ofc of Policy. Director, Procurement Management Rev Div. Director, Office of Review and Analysis. Director, Office of Clearance and Support. Dir Ofc of Procurement Operations. Dep Dir Ofc of Procur Op. Assoc Deputy Asst Secy & Deputy Controller. Deputy Asst Secy for Fin Mgmt & Controller. Dir Ofc of Budget. Dep Dir Ofc of Budget. Director, Budget Analysis Division. Director, Budget Operations Division. Dir Ofc of Financial Policy. Dir Ofc Compliance and Audit Liaison. Dir Ofc of Dep Accounting & Fin Sys Dev. Dir Ofc of Headquarters Accounting Operations. Dir, Transportation and Waste Systems Div. Director Storage Division. Assoc Dir Ofc of Syst Integration & Regut. Dir Ofc of Business Management. Sr Advisor for Intern'l Chemical Affairs. Dep Asst Admr for Admin & Resources Mgmt.
Schneetady Naval Reactors Office.....	
Pittsburgh Naval Reactors Office.....	
Dep Asst Secretary for Uranium Enrichment.....	
Dep Asst Secretary for Civilian Reactor Development.....	
Deputy Asst Secretary for Administration.....	
Office of Administrative Services.....	
Ofc of Project & Facilities management.....	
Office of Automated Data Processing.....	
Ofc of Computer Services & Tel. Mgmt.....	
Dep Asst Secy for Human Resources Mgmt.....	
Ofc of Personnel & Career Development.....	
Office of Industrial Relations.....	
Ofc of Organization & Management System.....	
Dep Asst Secy for Procurement & Asst Management.....	
Ofc of Small & Disadvantaged Bus Utilization.....	
Office of Policy.....	
Office of Review & Analysis.....	
Office of Clearance & Support.....	
Office of Procurement Operations.....	
Dep Asst Secy for Fin Management & Controller.....	
Office of Budget.....	
Office of Financial Policy.....	
Office of Compliance & Audit Liaison.....	
Ofc of Dept Acct & Fin Systems Development.....	
Office of Headquarters Acct Operations.....	
Office of Storage & Transportation Systems.....	
Office of Business Mgt.....	
Environmental Protection Agency:	
Office of the Assoc Admr for Internal Activities.....	
Ofc of the Asst Admr for Admin & Resources Management.....	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Office of the Comptroller.....	Spec Asst to the Asst Admr for Adm & Res Mgmt. Dir Ofc of the Comptroller. Dir, Financial Mgmt Div. Associate Comptroller. Director, Budget Division. Assoc Dir, Financial Management Division. Special Asst to the Comptroller.
Office of Administration.....	Dir Ofc of Administration. Deputy Dir Ofc of Administration. Dir, Grants Admin Div. Director, Personnel Management Div. Dir, Management and Organization Division. Dir Procurement & Contracts Mgmt Division. Dir, Facilities & Support Services Division. Spec Asst for Employee Wellness Program. Assoc Dir for Superfund/RCA Procurement Oper. Director, Management & Organization Division. Director, Project 1992.
Office of Information Resources Management.....	Dir Ofc of Information Resources Management. Dep Dir Ofc of Information Resources Mgmt. Dir, Administrative Systems Division.
Office of Administration-Cincinnati, OH.....	Dir Ofc of Admin and Resources Management.
Office of Administrator-Rtp, NC.....	Assoc Asst Administrator (Special Projects). Director Office of Administration Res Mgmt. Director, Office of Data Processing.
Office of Human Resource Management.....	Assoc Dir, Ofc of Adm & Res Management. Director, Office of Human Resource Mgmt. Special Assistant to Director, OHM. Dep Dir, Office of Human Resources Management.
Ofc Asst Admr for Enforcement & Compliance Monitoring.....	Dir Ofc Compliance Analysis Prog Operations.
National Enforcement Investigations Ctr-Denver.....	Dir Nat'l Enforcement Investigations Center. Special Asst to the Dir NEIC.
Office of Policy Analysis.....	Dir Econ Analysis Div.
Office of Standards and Regulations.....	Dir, Regulatory Integration Division.
Office of Management Systems and Evaluation.....	Dir, Chemical & Statistical Policy Division.
Office of Pollution Prevention.....	Dir Ofc of Management Systems & Evaluation.
Office of the Inspector General.....	Dir, Management Systems Div. Dir, Office of Pollution Prevention. Deputy Inspector General. Assist Inspector Gen for Investigations. Asst Inspector General for Audits. Dep Asst Inspector General for Audits. Dep Asst Inspector General for Investigations. Asst Inspector Gen for Mgmt & Tech Assessment. Deputy Inspector General. Spec Asst to the Inspector General.
Office of Water Enforcement and Permits.....	Director Enforcement Division.
Office of Water Regulations and Standards.....	Director, Permits Division. Director, Industrial Technology Division. Dir, Assessment & Watershed Protection Div. Dir, Analysis and Evaluation Division. Dir, Criteria and Standards Division. Senior Advisor.
Office of Water Program Operations.....	Director, Municipal Facilities Division.
Office of Drinking Water.....	Director Municipal Construction Division.
Office of Waste Programs Enforcement.....	Director, State Programs Division. Dir Ofc of Program Development & Evaluation. Director, Criteria and Standards Division. Dep Dir, Office of Waste Programs Enforcement. Dir, Cercla Enforcement Division. Director, RCRA Enforcement Division.
Office of Solid Waste.....	Dir Waste Mgmt and Economics Division. Dir, Characterization & Assessment Division. Director, Permits & State Programs Division. Special Assistant for Municipal Solid Waste. Spec Asst to the Dir, Office of Solid Waste.
Office of Emergency and Remedial Response.....	Director, Hazardous Site Evaluation Division. Dir, Emergency Response Div.
Ofc of the Asst Admr for Air and Radiation.....	Director, Hazardous Site Control Division.
Office of Air Quality Planning and Standards.....	Director, Ofc of Program Mgmt Operations. Dir, Stationary Source Compliance Division. Assoc Dir for Intermedia & Intgovt Prog. Depty Dir Emission Standards Division. Director, Air Quality Management Division. Director, Technical Support Division.
Office of Mobile Sources.....	Director, Emission Control Technology Div. Director Certification Division.
Office of Radiation Programs.....	Dir Manufacturers Operations Division. Dir Field Operations & Support Division. Dir, Criteria & Standards Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Ofc of Asst Admr for Pesticides & Toxic Substances..... Office of Pesticides Program.....	Director, Radon Division. Dir, Analysis and Support Division. Dir Ofc of Program Management Operations. Dir Ofc of Pesticides Programs. Dir-Registration Division. Director-Program Support Division. Dir-Hazard Evaluation Division. Dir, Biological & Economic Analysis Division. Sr Science Advisor/Nat'l Laboratory Aud Prog. Senior Advisor.
Office of Toxic Substances.....	Dir, Spec Review & Reregistration Division. Dir Envir Fate and Effects Division. Dir Health Effects Division. Director Exposure Evaluation Division. Dir, Existing Chemicals Assessment Division. Dir, Health & Environmental Rev Div. Director, Environmental Assistance Division. Director Economics & Technology Division. Director, Chemical Control Division. Director, Information Management Division.
Ofc of the Asst Admr for Research and Development.....	Dir, Ofc of Exploratory Research. Dir, Ofc of Technology Transfer & Reg Support. Senior Official for Research & Development. Dep Dir for Technical Information.
Ofc of Research Program Management.....	Dir Environmental Research Information Center.
Center for Environmental Research Info-Cincinnati.....	Director Exposure Assessment Group.
Office of Health and Environmental Assessment.....	Dir Environmental Criteria & Asses Ofc RTP.
Environmental Criteria & Assessment Ofc (RTP).....	Spec A/D, Ofc of Mdlg. Monitoring S/Q Assur.
Ofc of Acid Dep. Environ Monitoring & Quality Assur.....	Dir, Atmospheric Res & Exp Assessment Lab.
Environmental Monitoring System Lab-RTP.....	Dir, Env Monitoring Sys Lab, Las Vegas.
Environmental Monitoring System Lab-Las Vegas.....	Spec Ass Dir, Ofc Environel E/T Demonstration.
Ofc of Environmental Engineering and Technology.....	Dir Air & Energy Res Lab.
Industrial Environmental Research Laboratory-RTP.....	Dir Risk Reduction Engineering Laboratory.
Industrial Environmental Research Lab-Cincinnati.....	Dir, Env Research Laboratory Corvallis.
Environmental Research Laboratory-Corvallis.....	Dir Environmental Research Lab Athens Ga.
Environmental Research Laboratory-Athens.....	Dir, Robert S. Kerr Environmental Res Lab.
Robert B Kerr Environmental Res Laboratory Ada.....	Dir Environmental Research Lab-Duluth.
Environmental Research Laboratory-Duluth.....	Dir, Environmental Res Lab, Narragansett.
Environmental Research Laboratory-Narragansett.....	Dir Env Res Lab Gulf Breeze.
Environmental Research Laboratory-Gulf Breeze.....	Dir-Health Effects Research Lab-RTP.
Health Effects Research Laboratory-RTP.....	Director, Water Management Division.
Region I-Boston.....	Dir Waste Management Division.
Region II-New York.....	Regional Counsel.
	Asst Regl Admr for Planning & Management.
	Director, Environmental Services Division.
	Director, Water Management Division.
	Asst Regl Admr for Policy and Management.
	Dir Air & Waste Management Division.
	Regional Counsel, Region II, New York.
Region III-Philadelphia.....	Dir, Office of Emergency & Remedial Response.
	Director, Water Management Division Reg III.
	Regional Counsel.
	Asst Reg Admin for Policy & Management.
	Director, Hazardous Waste Mgmt Div.
Region IV-Atlanta.....	Director, Environmental Services Division.
	Dir, Air Management Division.
	Dir Water Management Division Region IV.
	Dir Environmental Services Division Region IV.
	Asst Regional Admin for Policy and Mgmt.
	Regional Counsel, Reg IV, Atlanta, Georgia.
Region V-Chicago.....	Director Waste Management Division.
	Dir Air Management Div Region V.
	Dir Envir Services Div Region V.
	Dir Water Management Div Region V.
	Asst Regional Admr for Policy & Management.
	Regional Counsel.
	Director, Waste Management Division.
Region VI-Dallas.....	Associate Division Director for RCRA.
	Assoc Div Director for Superfund.
	Dir Air & Waste Management Div.
	Dir Water Management Division.
	Director, Environmental Services Division.
	Asst Regional Admr for Management.
	Regional Counsel.
Region VII-Kansas City.....	Dir, Air, Pesticides & Toxic Division.
	Dir Water Management Division.
	Regional Counsel.
	Director, Waste Mgmt Division.
	Asst Reg Admin for Policy & Mgmt-Reg VII.
	Director, Air and Toxics Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Region VII-Denver.....	Dir Water Management Division. Region Counsel. Dir Air Toxics Division. Asst Regional Admr for Policy & Management.
Region IX-San Francisco.....	Director, Water Management Division. Director, Air Management Division. Regional Counsel, Reg IX, San Fran, Cal. Dir, Toxic & Waste Management Div.
Region X-Seattle.....	Asst Regional Admr for Policy & Management. Dir—Water Div Reg X. Regional Counsel. Director Air and Toxics Division. Director, Hazardous Waste Division. Asst Regl Admr for Policy & Management.
Equal Employment Opportunity Commission:	
Office of the Chairman.....	Director, Office of Review and Appeals.
Field Management—East.....	Dist Dir (Baltimore). Dist Dir (New York). Dist Dir (Atlanta). District Director (Detroit). Dist Dir (Miami). Dist Dir (Memphis). Dist Dir (Birmingham). Dist Dir (New Orleans). Dist Dir (Charlotte). Dist Dir (Cleveland). Dist Dir (Philadelphia). Dist Dir (Houston). Dist Dir (San Francisco). Dist Dir (Dallas). Dist Dir (Chicago). Dist Dir (St. Louis). Dist Dir (Indianapolis). Dist Dir (Los Angeles). Dist Dir (Denver). Dist Dir (Phoenix). Dist Dir (San Antonio).
Field Management—West.....	
Farm Credit Administration:	
Ofc of Gen Coun.....	General Counsel. Assoc Gen Counsel for Litigation & Enforce. Assoc Gen Coun for Corp & Administrative Law. Regional Director, Northeast Region. Regional Director, Central Region. Regional Director, Southeast Region. Division Director, Special Examination Div. Assistant Chief Examiner. Chief Examiner.
Office of Examination.....	Regional Director, Western Region. Chief, Information Resources Planning. Director, Office of Resources Management.
Office of Resources Management.....	Dir Internal Audit.
Ofc of Inspector General.....	Inspector General.
Office of Financial Analysis.....	Assistant Inspector General. Dir, Office of Financial Analysis. Dep Dir, Ofc of Financial Analysis. Deputy Director, Office of Financial Analysis.
Office of Regulatory Enforcement.....	Dir, Office of Regulatory Enforcement.
Federal Communications Commission:	
Office of the Managing Director.....	Assoc Managing Director/Human Resources Mgmt.
Mass Media Bureau.....	Chief Audio Services Division. Chief Video Services Division. Chf, Enforcement Div. Chief Land Mobile & Microwave Division. Chief Enforcement Division. Assistant Bureau Chief for Technology.
Private Radio Bureau.....	Chief, Staff Division.
Field Operations Bureau.....	Asst Bureau Chief (International).
Common Carrier Bureau.....	Chief Domestic Facilities Division. Chief Accounting & Audits Division. Chief, Spectrum Engineering Division. Chief, Authorization and Evaluation Division.
Ofc of Engineering Technology.....	
Federal Emergency Management Agency:	
Office of the Director.....	Inspector General. Comptroller. Deputy Inspector General. Director of Security.
Office of Chief of Staff.....	Deputy Associate Director.
National Preparedness Directorate.....	Senior Policy Advisor.
Office of Mobilization Preparedness.....	Asst Assoc Dir Ofc of Mobilization Preparedness.
Office of Analysis & Support.....	Asst Assoc Dir Ofc of Analysis & Support.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Office of Facilities Management.....	Assistant Assoc Director.
Office of Systems Engineering.....	Special Asst for Architecture & Technology.
Office of Operations.....	Asst Assoc Dir Ofc of Systems Engineering.
Office of Natural and Technological Hazards Programs.....	Asst Associate Director Ofc of Operations.
Federal Insurance Administration.....	Chief, Technological Hazards Division.
Federal Energy Regulatory Commission (DOE):	Deputy Administrator.
Ofc of Chief Accountant.....	Deputy Chief Accountant.
	Dir Division of Audits.
	Dep Dir, Div of Audits.
	Director, Division of Accounting Systems.
	Dir, Div of Inspection.
Ofc of Hydropower Licensing.....	
Federal Home Loan Bank Board (Term 10/8/89):	
Organization Abolished.....	Director Administration.
Organization Abolished.....	Exec Dir for Admin & Human Resources.
Organization Abolished.....	Director, Office of Enforcement.
Organization Abolished.....	Chief Financial Officer.
	Dir, Ops & Liq Div Supvis Fin/Marketing Spec.
	Supv Fin Anal/Dir, Mergers & Acquisitions Div.
	Dir, Fin Asst Div (Fin Asst Administrator).
	Dir Internal Evaluation and Compliance Ofc.
	Fin Econ (Dep Dir for Policy & Research).
Organization Abolished.....	
Organization Abolished.....	
Federal Labor Relations Authority:	
Office of the Chairman.....	Chief Counsel.
	Executive Assistant to the Chairman.
Office of Member.....	Chief Counsel.
Office of Member.....	Chief Counsel.
Federal Service Impasses Panel.....	Exec Director FSIP.
Ofc of the Executive Director.....	Executive Director.
	Solicitor.
	Dir, Information Resources & Research Serv.
Ofc of the General Counsel.....	Deputy General Counsel.
	Assoc General Counsel.
	Asst General Counsel (Field Management).
	Asst General Counsel (Appeals).
	Asst Gen Counsel, Legal Policy & Advice.
Regional Offices.....	Regional Director—Washington, D.C.
	Regional Director—Boston.
	Regional Director—New York.
	Regional Director—Atlanta.
	Regional Director—Dallas.
	Regional Director—Chicago Illinois.
	Regional Director—Los Angeles.
	Regional Director—San Francisco.
	Regional Director—Denver.
Federal Maritime Commission:	
Office of the Members.....	Secretary.
Office of the General Counsel.....	Dep Gen Coun for Reports Opinions and Decisio.
Office of the Managing Director.....	Dep Managing Dir.
	Director, Bureau of Administration.
	Director, Bureau of Trade Monitoring.
	Director, Bureau of Domestic Regulation.
	Dir, Bureau of Investigations.
	Dir, Bureau of Hearing Counsel.
Federal Retirement Thrift Investment Board.....	Assistant General Counsel (Admin).
	Assistant General Counsel (Programs).
	Director of Investments.
	Director of Contracts & Administration.
	Director of Automated Systems.
	Director of Benefits and Program Analysis.
	Director of Accounting.
	Director of Communications.
Federal Trade Commission:	
Office of the General Counsel.....	Inspector General.
Ofc of Executive Director.....	Deputy Exec Dir for Management.
	Dep Exec Dir for Planning & Information.
General Services Administration:	
Office of the Administrator.....	Dir Ofc of Small & Disadvantaged Bus Utiliz.
	Dep AA for Operations & Industry Relations.
	Director, Office of Administrative Services.
	Director of Oversight.
	Director of Management Services.
	Assoc Dir for Operations (CASU).
	Director of Personnel.
	Deputy Director of Personnel.
	Dir of Administrative Programs & Support.
Office of the Inspector General.....	Deputy Inspector General.
	Asst Inspector Gen for Auditing.
	Deputy Asst Inspector General for Auditing.
	Asst I/G for Investigations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Office of Acquisition Policy	Counsel to the Inspector General. Asst Inspector Gen for Administration. Assoc Administrator for Acquisition Policy. Deputy Associate Admr for Acquisition Policy. Dir of Acquis Mgmt and Contract Clearance.
Office of the Comptroller	Deputy Comptroller for Finance. Deputy Comptroller for Budget.
Federal Property Resources Service	Dep to the Deputy Comptroller for Finance. Asst Comm for Real Estate Policy/Sales (FPRS).
Public Building Service	Asst Comm for Real Prop Mgmt & Safety. Asst Comr for Physical Security & Law Enf. Asst Comr for Procurement.
	Asst Comr for Real Property Development. Dep Asst Comr for Real Property Development.
	Dep Asst Comr for Real Prop Mgmt & Safety. Asst Commissioner for Facility Planning.
	Asst Comm for Govt Wide Real Prop Relations. Spec Asst/Asst Comr for Real Property Dev.
Office of Information Resources Management	Asst Comm for Info Resources Procurement. Asst Commissioner for Network Services.
	Asst Commissioner for Info Res Mgmt Policy. Asst Comr for GSA Information Systems.
	Asst Commissioner for Technical Assistance. Asst Comr for Regl Telecommunication Service.
	Director Ofc of Innovative Office Systems. Asst Commissioner for Customer Svc & Marketing.
Office of Federal Supply and Services	Asst Commr for Quality and Contract Admn. Asst Commissioner for Commodity Management.
	Director for Transportation Audits. Asst Commr for Strategic Business Planning.
Region 2—New York	Asst Reg Admr for Public Bids Service. Asst Reg Admr for Federal Supply Service.
Region 3—Philadelphia	Asst Reg Admr for Public Bids Service. Asst Reg Admr for Info Reso Mgmt Ser, NE Zone.
National Capital Region	Asst Regl Admr for Info Resources Mgmt. Asst Regl Admr for Real Property M & O.
	Asst Reg Admr for Real Estate & Devel, NCR. Dir of Fed Domes Asst Ctg Staff (IRMS) NCR.
Region 4—Atlanta	Asst Reg Admr for Public Bids Service. Assistant Reg Admn for Inform Res Mgmt-R-4.
	Asst Reg Admr for Federal Supply & Services. Asst Reg Admr for Public Bids Service.
Region 5—Chicago	Asst Regional Admr for Administration, R6. Asst Reg Admr for Public Bids Service.
Region 6—Kansas City	Asst Reg Admr for Public Bids Service. Asst Regl Admr for Info Resources Mgmt R-7.
Region 7—Fort Worth	Asst Reg Admr for Federal Supply Service. Asst Commissioner for Public Buildings SVC.
Region 9—San Francisco	Asst Reg Admr for Public Bldg & Real Property. Asst Reg Admr for Federal Supply Service.
Department of Health and Human Services:	Asst Reg Admr for Information Res Management. Dir OFC of Procurement & Asst Policy.
OAS for Management and Budget	Dir, Division of OS Budget Analysis.
ODAS for Budget	Dir, OFC of Asst POL & Systems Review.
ODAS for Finance	Dep Asst Sec, Finance. Dir, OFC of Grant & Contract Fin Management.
ODAS for Management and Acquisition	Dir, Office of Financial Policy. Dir, Office of Acquisition & Grants Mgmt.
OAS for Personnel Administration	Asst Sec for Personnel Administration. Dir, Ofc of Human Relations.
Associate General Counsel Divisions	Assoc Gen Coun, Business & Adm Law Division. Dep Assoc Gen Counl, Bus & Adm Law Div.
Office of the Inspector General	Sr Asst Insp Gen for Audit & Systems. Deputy Inspector General.
OIG for Investigations	Asst Inspector General for Investigations. Dep Asst Insp Gen for Criminal Investigation.
	Dep Asst Inspector Gen for Civil Fraud. Dep/Asst/Insp/Gen for Headquarters Operations.
OAIG for Audit	Asst Inspector General for Audit. Dep Asst Insp Gen for Audit, Social Security.
	Dep Asst Insp G/A Grant, Int Syst & Edp. Dep Asst Insp Gen for Audit, Health Care Fin.
OAIG for Analysis and Inspections	Dep Asst Insp G/A Mgmt, OPS & Eval. Dep Asst Inspector General for Credit Phsod.
OAA for Management	Asst Insp Gen for Analysis & Inspections. Dep Asst Insp Gen for Anal & Inspections.
	Dir, Office of Fin Management & Procurement. Chief Actuary.
	Dir, Bureau of Data Management and Strategy.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
OAA for Operations	Dep Dir, Bureau of Data Management & Strategy. Dir, Ofc of Medicare Cost Est, Ofc of Actuary. Dir Ofc of Prog Adm, Bur of Prog Operations. Director, Office of Financial Operations. Dir Office of Demonstrations and Evaluations. Dep Dir, Office of Administrative Management.
OAA for Program Development	Director, Office of Resource Management.
OAS for Health	Dir, Div of Public Health Service Budget.
Natl Center Health Svcs Rsch/Tech Assmt	Director, Office of Minority Health.
Alcohol, Drug Abuse & Mental Health Admin	Dir, Div of Intramural Research.
Natl Inst of Alcohol Abuse & Alcoholism	Dir, Div of Extramural Research.
National Institute on Drug Abuse	Assoc Admin for Extramural Programs.
Natl Inst of Mental Health	Chief Laboratory of Clinical Studies.
Intramural Research	Director, Division of Basic Research.
Center for Infectious Diseases	Dir, Div of Intramural Clinical & Bio Res.
Natl Inst for Occupational Safety and Health	Director, Office of Scientific Affairs.
Center for Env Health & Injury Control	Director Addiction Research Center.
Center for Prevention Services	Dir Div of Preclinical Research.
National Center for Health Statistics	Director Division of Clinical Research.
Food and Drug Administration	Chief Neuroscience Research Branch.
Office of Regulatory Affairs	Executive Officer NIMH.
National Center for Toxicological Research	Director, Division of Basic Sciences.
Center for Food Safety & Applied Nutrition	Dir Div of Educ & Serv Syst Liaison.
Center for Drug Evaluation and Research	Director, Division of Extramural Activities.
	Dir Intramural Research Programs.
	Dir Division of Special Mental Health Research.
	Chf Lab of Cerebral Metabolism.
	Chf Lab of Neurochemistry.
	Chf Lab of Gen & Comparative Biochemistry.
	Chf Lab of Developmental Psychology.
	Chf-Clinical Neuropharmacology Branch.
	Chief, Lab of Psychology and Psychopathology.
	Chief Laboratory of Neuropsychology DCBR.
	Chief Section Histopharmacology.
	Chief, Biological Psychiatry Branch.
	Chief, Child Psychiatry Branch.
	Asst Dir for Laboratory Science.
	Director, Division of Viral Diseases.
	Senior Advisor for Laboratory Science.
	Dir Div of Environmental Health Lab Sciences.
	Chief, Epidemiology Research Branch.
	Assoc Dir for Analysis & Epidemiology.
	Assoc Dir Ofc of Prog Plng Eval & Coord.
	Assoc Dir for Research & Methodology.
	Assoc Dir, Ofc of Vital & Health Stats Syst.
	Director Parklawn Computer Center.
	Dep Assoc Commissioner for Regulatory Affairs.
	Regl Food & Drug Dir Reg III, Philadelphia.
	Regl Dir Food & Drug Adm, Reg IV, Atlanta.
	Regl Food and Drug Director, Reg V, Chicago.
	Regional Food & Drug Dir, Reg I, Dallas.
	Reg: L Dir, Food & Drug Adm, Reg IX (San Franc.
	Regl Food & Drug Dir, (Northeast Region).
	Director, Division of biometry.
	Assoc Dir for Research.
	Dir Ofc of Physical Sciences.
	Dir Ofc of Nutrition & Food Sciences.
	Assoc Dir for Laboratory Investigations.
	Dir, Div of Nutrition.
	Dir Ofc of Compliance.
	Dir Div of Chemical Technology.
	Director Ofc of Toxicological Sciences.
	Dir, Div of Anti-Infective Drug Products.
	Dir Div Oncology & Radiopharmaceutical Drug P.
	Dir Div of Scientific Investigations.
	Dir Div of Cardio-Renal Drug Products.
	Dir Ofc of Compliance
	Dep Dir of Epidemiology & Biostatistics.
	Dir, Div of Biometrics.
	Dir, Div/Drug & Biological Product Experience.
	Dir, Div of Neuropharmacological Drug Prod.
	Dir, Div of Surgical Dental Drug Products
	Dir, Div of Metabolism & Endocrine Drug Prod.
	Dep Dir, for Prog Management
	Director, Division of Ofc Drug Evaluation.
	Dir, Office of Drug Evaluation I.
	Director, Office of Drug Standards.
	Deputy Dir, Ofc of Drug Standards.
	Director, Division of Generic Drugs.
	Dir, Div of G & C Drug Products.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Center for Biologics Evaluation and Research	Dir, Ofc of Drug Eval II Ctr, For Drug E & R Director, Office of Research Resources Dep Dir, Office of Research Resources. Dep Dir, Office of Drug Evaluation II. Dir, Div of Anti-Vir Drug Products. Director, Division of Biochem & Biophysics. Director, Division of Bacterial Products. Deputy Director for Program Management. Dir Division of Cytokine Biology. Director, Office of Biologics Research. Deputy Director Office of Compliance. Dir, Office of Compliance.
Center for Veterinary Medicine	Dir Div of Thera Drugs for non-food Animals. Dir Ofc of Surveillance & Compliance Director, Ofc of New Animal Drug Evaluation. Director, Office of Science. Dir, Div of Drugs Manufacturing & Controls. Dir, Div of Biometrics & Production Drugs. Dir Div of Therapeutic Drugs for Food Animals. Dir Div of Veterinary Medical Research. Assoc Dir Scientific Infor & Education. Director, Division of Animal feeds. Dep Dir for Human Food S & C Services. Dep, Dir Ofc of Surveillance & Compliance.
Center for Devices & Radiological Health	Dir Ofc of Device Evaluation. Dir Ofc of Standards & Regulations. Dir Office of Science & Technology. Dep Dir, Office of Science and Technology. Deputy Director, Office of Compliance. Dep Dir Office of Device Evaluation.
Immediate Office of the Director	Director, Div of Financial Management. Director, Division of Contracts & Grants. Associate Dir, for Med Applications of Resch. Dir Ofc of Production from Research Risk. Assoc Dir for Intramural Research. Sr Adv to Dep Dir for Extramural Res & Trng. Director, Division of Program Analysis. Dir, Ofc of Medical Applications of Research. Dir, Office of Human Genome Research. Dir, Office of Scientific Integrity.
Nat'L Heart, Lung & Blood Institute	Assoc Director for Review. Assoc Dir, Epidemiology & Biomerty Program. Chief, Sickle Cell Disease Br. Dir, Div, of Lung Diseases. Dir, Div of Blood Diseases & Resources. Dir, A/Sclerosis, Hypertension & Lip, Met Prog. Dep Director Div of Extramural Affairs. Director, Division of Extramural Affairs. Dir Div of Epidemiology/Clinical Applications. Assoc Dir for International Programs.
Intramural Research	Dir, Division of Intramural Research. Chf Lab of Biochemical Genetics. Chf Lab of Biochemistry. Chief Lab of Molecular Hematology. HD, Section on Chemistry. Chief, Laboratory of Chemical Pharmacology. SR Rsch Chemist. Sect on Cell Biology. Chief, Macromolecules Section. CHF, Intermediary M & B Section. Chief, Laboratory of Cellular Metabolism.
Division of Cancer Biology & Diagnosis	Chf, Lab of Kidney & Electrolyte Metabolism. Dir, Division of Cancer Biology & Diagnosis. Dep Dir, Div of Cancer Biology & Diagnosis. Chief, Laboratory of Cell Biology. Head, Developmental Biochemistry Section. Chief, Laboratory of Biochemistry. Associate Director, Extramural Research Prog. Chf, Protein Biochemistry Section. Chief, Dermatology Branch. Head, Cellular Immun of Mod Self Antigens Gr. Chief, Laboratory of Immunobiology.
Division of Cancer Etiology	Chf, Lab of Tumor Immunology & Biology. Dir, Div of Cancer Etiology. Chief, Lab of Biology. Chief, Clinical Epidemiology Branch. Chief, Laboratory of Molecular Carcinogenesis. Chf, Lab of Experimental Pathology. Head, Math Statistics & Applied Mathematics. Head In Vitro Carcinogenesis Section.
Division of Cancer Prevention & Control	Dep Dir, Div of Cancer Prevention & Control.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Division of Extramural Activities	Assoc Dir, Cancer Prevention Research Prog. Assoc Dir, Centers & Community Oncology Prog. Dir, Div of Extramural Activities.
Division of Cancer Treatment	Deputy Dir, Div of Extramural Activities. Chf, Radiation Oncology Br.
Natl. Institute of Diabetes & Digestive & Kidney Dis	Chf, Lab of Medicinal Chemistry & Biology. Assoc Dir, Radiation Research Program. Dir, Div Kidney Urologic & Hematologic Diseases. Dir, Division of Extramural Activities.
Intramural Research	Assoc Dir, for Diabetes, Endocrine & Metab. Dis. Assoc Director for Research & Assessment. Assoc Dir, Disease Prevention Technol Transfer. Chief, Section on Biochemical Mechanisms. Chf, Sect on Biochemistry. Chf, Sect on Metabolic Enzymes. Chf, Sect on Physical Chemistry. Chief, Section on Molecular Structure. Sr Res Physicist, Mathematical Research Br. Sr Chemist, Clinical Endocrinology Br. Senior Research Chemist. Chief, Lab of Chemistry. Chief, T/M Biology Section L & M Biology. Chief, Laboratory of Bio-Organic Chemistry. Chief, Oxidation Mechanisms Section L B C. Chief, Laboratory of Biochemistry & Metabolism. Chf, Sec on Nuclear Mag Res, Lab/Chem, Physics. Clinical Dir. & Chief, Kidney Disease Section. Chief, Section on Molecular Biophysics.
Chf, Sec Carbohydrates Lab of Chemistry/NIDDK.	
Chief, Metabolic Diseases Branch.	
Chf, Drug D & S Sec, Lab of Neurosci, NIDDK.	
Chief, Laboratory of Neuroscience, NIDDK.	
Natl Inst of Arthr & Musculoskeletal & Skin Diseases	
Director, Extramural Program.	Chf, Lab of Physical Biology.
National Library of Medicine	
Dep Dir for Res and Education.	Dep Dir, Natl Lib of Medicine.
Natl Inst of Allergy & Infectious Diseases	Associate Director for Library Operations. Assoc Dir, Specialized Info Services. Dep Dir, Lister Hill Natl Ctr for Biomed Comms. Director, Information Systems. Dir, Div of Allergy/Immunology/Transplantatn. Chf, Lab of Parasitic Diseases. Chf, Laboratory of Microbial Immunity. Spec Asst for Biometry, Off Sci Dir. Dir, Div of Microbiology/Infectious Diseases. Chief, Lab of Immunogenetics. Dir, Div of Extramural Activities. Chf, Lab of Microbial Structure and Function. Chief, Lab of Molecular Microbiology. Head, Malaria Section. Dir, Div Acquired Immunodeficiency Syndrome. Assoc Dir for Administration & Operations. Deputy Dir, Division of Extramural Activities. Chief, Biological Resources Branch. Head, Lymphocyte Biology Section. Chief, Laboratory of Infectious Diseases. Head, Experimental Pathology Section. Scientific Director, Gerontology Resch Cntr. Clin Director and Chief Clin, Physiology Br. Chief, Lab of Cellular & Molecular Biology. Associate Dir for Behavioral Sciences Res. Assoc Dir, Biomed Res & Clinical Medicine Prog. Assoc Dir, Office of Extramural Affairs. Assoc Dir, Epidemi, Demo & Biometry Program. Assoc Dir, for Plng, Analysis & Communications. Assoc Dir, Neurosci & Neuropsych of Aging Prog. Chief, Laboratory of Molecular Genetics.
Natl Inst on Aging	Dep Dir, Center for Population Res. Chf, Endocrinology & Reproduction Research Br. Director, Ctr for Res for Mothers & Children. Career Reserved Positions. Director Cntr for Population Research. Chf, Lab of Neurochemistry & Neuroimmunology. Chief, Section on Growth Factors. Assoc Dir for Prevention Research. Chf, Section on Mammalian Gene Regulation. Chief, Section on Molecular Endocrinology. Chief Section on Neuroendocrinology. Chief Section on Microbial Genetics.
Natl Inst of Child Health & Human Development	Chief Lab of Microbiology & Immunology.
Natl Inst of Dental Research	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Natl Inst of Environmental Health Services.....	Chf, Laboratory of Dev Biology & Anomalies. Chf, Enzyme Chemistry Section. Dir, Extramural Program. Chief, Bone Research Branch. Chief, Epidemiology Branch. Dir, Div of Intramural, Niehs Chf Lab of Pulmonary Pathobiology. Chief, Lab of Genetics. Head Mutagenesis Section. Career Reserved Positions. Head Mammalian Mutagenesis Section. Dir, Div of Biometry and Risk Assessment. Senior Scientific Advisor. Dir, Div of Toxicology Research & Testing. Associate Director for Management. Chief, Signal Transduction Section. Chf, Lab of Cellular & Molecular Pharmacology. ; Dir, Cell & Molec Basis of Disease Prog.
Natl Inst of General Medical Sciences.....	Dir Genetics Program. Assoc Dir for Program Activities. Dir, Pharmacological Sciences Program Branch. Dir Bio Phys Sciences Program Branch. Dep Dir Natl Institute of General Med Sci.
Natl Inst of Neurological Disorders and Stroke.....	Dir Fundamental Neurosciences Program.
Intramural Research	Director, Stroke and Trauma Program. Chief Lab of Central Nervous System Studies. Chf, Devel & Metab Neurology Branch. Chf Lab of Molecular Biology. Career Reserved Positions. Deputy Chief, Lab of Central Nervous Sys Stud. HD Cellular Neuropathology Section. Chief, Section on Neuroradiology. Chief, Lab of Biophysics. Chf, Lab of Neuropathology & Neuroanatomical S. Chf Lab of Neurochemistry. Chf, Surgical Neurology Branch. Chief Biometry & Field Studies Branch. Chief, Laboratory of Neurobiology. Chief, Laboratory of Neural Control.
Natl Eye Institute.....	Chief Laboratory of Retinal Cell & Mol Biolog. Dir, Intramural Research Program, Nel. Chief, Lab of Molecular & Dev. Biology. Chief, Laboratory of Sensorimotor Research. Chief, Lab of Ophthalmic Pathology. Assoc Dir, Biometry & Epidemiology Prog. Dep Assoc Dir, Biometry & Epidemiology Prog.
Natl Inst Deafness and Oth Comm Disorders.....	Chf, Lab of Neuro-Otolaryngology. Career Reserved Positions.
NIH Clinical Center	Director, Communicative Disorders Program. Assoc Dir for Clinical Care/Dir, Clinical Ctr. Health Systems Administrator.
Division of Computer Research & Tech.....	Associate Director for Planning. Chief, Computer Center Branch.
Division of Research Resources.....	Chief, Physical Sciences Lab. Chief, Data Management Branch.
Division of Research Grants.....	Dir, Div of Research Resources. Dep. Dir, Div of Res Resources. Dir, Gen Clinical Res Center Program Branch.
Division of Research Services.....	Associate Director for Referral and Review. Assoc Dir for Statistics & Analysis.
National Center for Nursing Research.....	Chf Biomedical Engineering & Instrumentation.
National Center for Human Genome Research.....	Director National Cntr for Nursing Research.
Ofc of Actuary	Deputy Director. Chf Actuary.
Office of Systems Operations	Dep Chief Actuary (Long-Range). Dep Chief Actuary Short Range SSA.
Office of Systems Integration.....	Career reserved positions.
Ofc of Management.....	Dir, Ofc of Computer Processing Operations. Director, Office of Programmatic Systems.
Office of Materiel & Information Resources	Director, Office of Acquisition and Grants. Assoc Comr for Info Mgmt, Acquisition & Logis Dir Ofc of Materiel Resources.
Office of the Chief Financial Officer	Chief Financial Officer.
Ofc of Financial Policy & Operations.....	Assoc Comr, Office of Fin Policy & Operations. Dep Assoc Comm Financial Policy & Operations.
Family Support Administration.....	Assoc Admin Ofc of Financial Management. Assoc Admr. Ofc of Mgmt and Info Systems.
Department of Housing and Urban Development	Deputy Inspector General. Asst Inspector General for Investigations.
Office of the Inspector General.....	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Assistant Secretary for Administration	Assistant Inspector General for Audit. Asst Inspector General for Management & Pol. Deputy Asst Inspector Gen for Audit Operation. Dep Asst IG for Audit Plng & Cilty Assurance. Deputy Director, Ofc. of Personnel & Training. Dir, Ofc of Budget. Career Reserved Positions. Director, Office of Finance & Accounting. Dep Dir, Ofc of Budget. Director Ofc of Procurements & Contracts. Dir, General & Program Accounting Group. Deputy Director Office of Finance & Accountg. Special Projects Officer.
Assistant Secretary for Housing	Dir, Office of Insured Single Family Housing. Dir, Mortgage Insurance Acctng & Serv Group.
Asst Secy for Fair Housing and Equal Opportunity	Dir Ofc of HUD Program Compliance.
Asst Secy for Community Planning and Development	Dir Ofc of Fair Housing Enforce and Sec 3.
Government National Mortgage Association	Dir Office of Environment and Energy.
Asst Secy for Public and Indian Housing	Vice President for Asset Management. Vice President for Mortgage Backed Securities. Gen Dep Asst Secy for Public & Indian Housing. Dir, Office of Public Housing.
Region II New York	Manager.
Region III Philadelphia	Manager.
Region IV Atlanta	Manager.
Region V Chicago	Manager.
Region VI Dallas	Manager.
Region IX San Francisco	Manager.
Department of Interior:	Manager.
Ofc of the Inspector General	Assistant Inspector General for Auditing. Asst Inspector General for Investigations. Deputy Asst Inspector General for Audits. Deputy Assoc Solicitor, General Law. Asst Solicitor Bureau of Parks and Recreation. Special Asst to the Assoc Solicitor—Gen Law. Dep Associate Solicitor—Energy & Resources. Dep Associate Solicitor—Indian Affairs.
Asst Secy for Policy, Budget & Administration	Asst Dir for Economics. Chief, Div of Budget Operations (A). Asst Dir for Special Anaysis. Dep Agcy Ethics & Audit Coordination Officer. Chief Division of Budget Operations (B). Chief Div of Budget Admin.
Nat'l Park Service	Senior Scientist.
US Fish & Wildlife Service	Science & Technology Advisor. Asst Dir Minority Business Enterprise. Deputy Associate Director—Research. (Special Assistant to the Director). Dep Asst Dir—Pol, Budget, & Administration. Exec Dir—North American Waterfowl Plan. Research Director Patuxent Research Center. Director, National Ecology Center. Dep Asst Dir—Fish & Wildlife Enhancement. Asst Regl Dir—Techn & Adm Services. Special Assistant to the Director.
Bureau of Mines	Resch Dir, Pittsburgh Research Center. Research Dir, Twin Cities Research Ctr. Research Director, Albany Research Ctr. Staff Asst to Deputy Assoc Dir Research. Chf, Ofc of Regulations Projects Coordination. Chief Division of Environmental Technology. Chief Division of Mineral Commodities. Asst Associate Dir—Finance and Management. Deputy Assoc Dir Info & Analysis. Chief Division of Health Safety & Min Tech. Stf Asst to the Dep Assoc Dir—Info Analysis.
Bureau of Reclamation	Spec Asst to the Dir, Bureau of Mines. Chief Div of Research & Lab Services. Director, Program Services Offices. Deputy Asst Commissioner Eng & Research. Deputy Assistant Commissioner Administration. Chief Division of Water & Land. Deputy Ass Commissioner—Resources Management. Project Manager/Arizona Projects Office. Dir Colorado River Storage Project Initiative. Chief Div Prog Coordination & Finance.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
US Geological Survey..... National Mapping Div.....	Staff Geologist for NPRA/Alaska Activities. Chief, National Mapping Division. Associate Chief, National Mapping Division. Chief, Eros Data Center. Asst Division Chief for Plans Operations. Chief Western Mapping Center. Chief Mid-Continent Mapping Center. Chief Rocky Mountain Mapping Center. Asst Div Chief for Information & Data Svc. Chief Eastern Mapping Center. Asst Div Chf for Research. Digital Cartography Program Manager. Chief Hydrologist.
Water Resources Div.....	Assoc Chief Hydrologist. Regl Hydrologist Central Reg Lakewood. Chief, Branch of Ground Water. Regl Hydrologist Southeastern Region. Regional Hydrologist, Western Region. Regional Hydrologist, Northeastern Region. Asst Chf Hydrologist for Operations. Asst Chief Hydrologist for Scien Info Mgmt. Asst Chf Hydrologist for Water A & D Coord. Asst Chf Hydro for Res & Extnl Coordination. Asst Chf Hydrologist/Prog Coord & Tech Supp. Chf, Ofc of Atmospheric Deposition Analysis. Chf, Ofc of Hydrologic Research. Chief, Wrsic Program. Chief Office of Water Quality. Chf, Br of Water Information Transfer. Chief Office of Surface Water. Chief, Office of External Research. Water Research Program Manager. Chf, National Water Data Exchange Program.
Geologic Div.....	Chief Geologist. Chief, Ofc of Earthquakes, Volcanoes & Engr. Chief, Ofc of Scientific Publications. Assoc Chf Geologist. Chf Ofc of Mineral Resources. Chief, Office of Energy & Marine Geology. Chief, Office of International Geology. Chief, Office of Regional Geology. Asst Chief, Ofc of Energy and Marine Geology. Assistant Chief Geologist for Programs.
Bureau of Land Management.....	Deputy Asst Dir Management Services. Asst Dir Fluid Leasable Minerals. Director, Boise Interagency Fire Center. Asst Dir Solid Leasable Minerals. Dep Asst Dir Energy & Minerals Resources.
Ofc of Surface Mining Reclam & Enforcement.....	Administrator-Technical Center-West. Dep Asst Dir Eastern Fld Ops (Programs OPS) Asst Dir for Eastern Field Operator.
Minerals Management Service.....	Assistant Director, Western Field Operations. Regional Director, Gulf of Mexico OCS Region. Dep Associate Director for Offshore Leasing. Chief, Leasing Management Division. Regional Manager, Atlantic Ocs Region. Regional Manager, Alaska Ocs Region. Assistant Assoc Dir for Offshore Minerals Mgt. Regional Manager, Pacific Ocs Region. Dep Associate Dir for Offshore Operations. Dep Assoc Dir for Collection & Disbursement. Prog Dir, Ofc of Strategic & Internatl Minls. Spec Asst to the A/D Offshore Minerals Mgmt Dep Assoc Dir for Valuation & Audit. Dep Assoc Dir for Administration. Deputy Assoc Dir for Budget & Appeals. Spec Asst to the Asst Secy-Indian Affairs. Dir, Facilities Management Operations.
Asst Secy-Indian Affs.....	
Bureau of Indian Affairs.....	
International Development Cooperation Agency:	
Ofc of the Administrator.....	Asst to the Admr for Personnel & Fin Mgmt.
Ofc of the General Counsel.....	Deputy General Counsel.
Office of the Inspector General.....	Asst Inspector General for Security. Asst Inspector General for Investigations. Counsel to the Inspector General. Deputy Inspector General.
Office of Equal Opportunity Programs.....	Dir Ofc of Equal Opportunity Programs.
Bureau for Management.....	Assistant to the Administrator for Management.
Office of Financial Management.....	Controller and Senior Financial Officer.
Office of Personnel Management.....	Financial Manager for Policy and Systems. Dep, Dir, Office of Personnel Management.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Directorate for Program and Management Services.....	Associate Director for Management. Dir Office of Information Resource Management. Deputy Dir for Program Operations. Director Office of Procurement. Deputy Director Office of Infor Res Manag. Dir, Ofc of Management Operations.
Interstate Commerce Commission:	
Office of the General Counsel.....	Assoc Gen Counsel—Litigation. Assoc Gen Coun Research & Legislation. Dir of Personnel.
Ofc of the Managing Director.....	Deputy Director.
Bureau of Accounts.....	Director Bureau of Accounts.
Bureau of Traffic.....	Dir, Bureau of Traffic.
Office of Compliance & Consumer Assistance.....	Deputy Director for Enforcement. Assoc Dir, Ofc of Compliance & Consumer Asst Director.
Regional Offices.....	Associate Director—Policy & Review. Regional Director (Philadelphia). Regional Director (Chicago).
Office of Proceedings.....	Regional Director (San Francisco).
	Deputy Director.
	Deputy Director.
	Assistant Deputy Director.
Department of Justice:	
Office of the Attorney General.....	Counsel on Professional Responsibility. Dep Counsel on Professional Responsibility.
Office of the Inspector General.....	Deputy Inspector General. Asst IG for Inspections & Gen Investigations. Assistant Inspector General for Audit.
	Asst IG for Inspections & Gen Investigations.
	Asst Inspector Gen for Management & Planning.
	Dep Asst Attorney Gen; Info & Admin Svc.
	Asst Attorney General for Administration.
	Prin Dep Asst Atty General for Administration.
	Dir Audit Staff.
	Dir, Security & Emergency Planning Staff.
	Dir Library Staff.
	Dir, Facilities and Administrative Svc Staff.
	Gen Coun to the Asst Attorney Gen for Admin.
	A/A Atty Gen, Ofc of the Asst Atty Gen Adm.
	Associate Assistant Attorney General.
	Director Management and Planning Staff.
	Director, Budget Staff.
	Senior Management Counsel.
	Procurement Executive.
	Dep Asst Attorney General; Controller
	Deputy Comptroller.
	Dir Finance Staff.
	Director, Evaluation Staff.
	Special Projects Officer.
	Dep Asst Atty Gen for Debt Collection.
	Asst Dir, Management & Planning Staff.
	Director Personnel Staff.
	Director Procurement and Contracts Staff.
	Director General Services Staff.
	Deputy Assistant Attorney General.
	Dir Computer Techn & Telecommunications Staff.
	Director, Systems Policy Staff.
	Dir, Legal and Informations Systems Staff.
	Chief Immigration Judge.
	Assistant to the Director.
	Chief Admin Hearing Officer.
	Chief Economic Litigation Section.
	Comptroller.
	Asst Commissioner for Detention & Deportation.
	Assistant Commissioner for Border Patrol.
	Asst Commissioner for Employment Cooperation.
	Assistant Commissioner for Records Systems.
	Asst Commissioner for Adjudication & Natural.
	Asst Comm for Inspections.
	Assistant Commissioner for Investigations.
	Asst Commissioner for Administration.
	Regl Director, Region IX, San Francisco.
	Exec Asst to the Assoc Atty Gen for Mgt Issue.
	Dir Ofc of Mgmt Information Systems Support.
	Dir, Office of Administration & Review.
	Deputy Director.
	Asst Dir for Planning and Development.
	General Counsel.
	Assoc Commr, Fed Prisons Industries, Unicor.
	Dep Assoc Commr-Sec, Fed Prison Industries, I.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Office of Correctional Programs.....	Dep Assoc Comm Fed Prison Industries. Deputy Associate Commissioner. Cortl Prog Admr Asst Dir for Human Res Mgmt. Correctional Prog Admr Asst Dir for Prog Rev. Dep Asst Dir for Program Review. Sen Dep Asst Dir Admin Div. Senior Deputy Asst Dir Health Services Div. Senior Deputy Assistant Director. Asst Dir Correctional Programs Div.
Northeast Region	Regional Director. Assistant Regional Director. Warden, Lewisburg, PA. Warden, Otisville, New York. Warden Metro Corr Center NY. Warden Danbury Conn. Warden, McKean, PA.
Southeast Region.....	Regional Director. Warden Atlanta. Warden, Lexington Kentucky. Warden Butner North Carolina. Warden Marianna FL. Correctional Institution Admin (Warden).
North Central Region.....	Regional Director. Warden Leavenworth Kansas. Warden Springfield MO. Warden Marion IL. Warden Terre Haute, IN. Warden Rochester MN.
South Central Region	Regional Director. Warden El Reno Okla. Warden Ft Worth, Texas. Warden Ft Worth, Texas. Warden La Tuna TX.
Western Region.....	Regional Director. Warden Terminal Island, CA. Warden, Lompoc, CA. Warden Los Angeles CA. Warden Phoenix AZ.
Ofc of Justice Programs.....	Gen Counsel. Comptroller, Ofc of the Comptroller.
National Institute of Justice	Asst Dir, Ofc of Research Programs. Asst Dir, Ofc of Dev Testing & Dissemination.
Bureau of Justice Statistics	Deputy Dir, Bureau of Justice Statistics.
U.S. Marshals Service	Associate Director for Administration. Associate Director for Operations. Assistant Director for Inspections. Comptroller. Asst Dir, Operations Support.
Department of Labor:	
OFC of the Inspector General.....	Deputy Inspector General. Asst Inspector Gen for Investigations. Asst Inspector Gen for Audit. Deputy Assistant Inspector General for Audit. Dir Ofc Resource Mgmt & Legislative Assmt. Asst Inspector Gen for Labor Racketeering. Dep Asst Insp Gen for Labor Racketeering.
Office of the Deputy Secretary.....	Director, Dol Academy.
Bureau of International Labor Affairs	Dir Ofc of Management Administration & Planng.
Office of the Solicitor.....	Deputy Solicitor (Regional Operations). Associate Solicitor for Labor-Management Laws. Assoc Solicitor for Plan Benefits Security. Assoc Solicitor for Civil Rights. Assoc Solicitor for Occupational Safety & Hlt. Assoc Solicitor for Mine Safety & Health. Assoc Solicitor for Fair Labor Standards. Assoc Solicitor for Employee Benefits. Associate Solicitor for Spec Litigation. Associate Sol for Spec Appel & Sup Court Lit. Dep Solicitor for Planning and Coordination. Dir, Office of Management. Associate Solicitor for Black Lung Benefits.
Regional Solicitors	Regional Solicitor. Regional Solicitor Region IV-Atlanta. Regl Solicitor Boston. Regl Solicitor New York. Regl Solicitor Philadelphia. Regl Solicitor Dallas. Regl Solicitor Kansas City. Regl Solicitor San Francisco.
OAS for Administration and Management	Asst Sec'y for Admin & Mgmt.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
	Dep Asst Sec for Adm and Mgmt. Director, Office of Budget. Dir of Management Policy and Systems. Comptroller for the Department. Dir of Personnel Management. Dep Dir of Personnel Management. Deputy Comptroller. Deputy Director Office of Civil Rights. Director, Directorate of Civil Rights. Dir Natl Capital Service Center. Director of Information Resources Management. Dir, Administrative & Procurement Programs. Dir Ofc of Mgmt, Administration and Planning. Director Division of Programs Operations. Asst Admin for Policy Planning & Review. Dir Federal Employees Compensation. Dir Coal Mine Workers Compensation. Director of Enforcement. Dir of Regulations & Interpretations. Director of Program Services. Deputy Director of Program Services. Senior Dir of Policy & Legislative Analysis. Dep Asst Secy for Program Operations. Director of Exemption Determinations. Dir Ofc of Standards, Tech Asst & Disclosure. Dir Ofc of Elect Trustshp/Intern'l Union Audt. Deputy Commissioner. Associate Commissioner for Field Operations. Assoc Commr, Economic Growth. Assoc Commr for Prices and Living Conditions. Assoc Commr Productivity & Technology. Assoc Commr for Research & Evaluation. Assoc Commr for Employment & Unempl Statistics. Asst Commr for Consumer Prices & Price Indexes. Asst Commr for Indust Prices & Price Indexes. Assistant Commissioner for Economic Research. Asst Commissioner for Federal-State Programs. Asst Commissioner for Current Employ Analysis. Asst Commr for Compensation Levels & Trends. Asst Commr for Safety, H & W Conditions. Assoc Commr Compensation & Working Conditions. Dep Comm for Adm and Internal Operations. Assistant Commissioner for Administration. Director of Survey Processing. Dir of Technology & Computing Svcs. Asst Commr for Technology & Survey Processing. Regional Comm:R New York. Director, Ofc of Trade Adjustment Assistance. Comptroller. Dir, Ofc of Information Resources Management. Dep Admr for Information Resources Management. Dir, Adm Progs. Dir Health Standards Programs. Director Safety Standards Programs. Director, Federal/State Operations. Dir Tech Support. Chf of Standards, Regulations & Variances. Director of Administration and Management. Director of Technical Support.
Office of Management, Administration and Planning	
Ofc of Federal Contract Compliance Programs	
Wage and Hour Division	
Ofc of Workers Compensation Programs	
Pension & Welfare Benefits Administration	
Office of Labor Management Standards	
Bureau of Labor Statistics	
Data Analysis	
Regional Commissioners	
Office of Employment Security	
Office of Financial & Administrative Management	
Administrative Programs	
Health Standards Programs	
Safety Standards Programs	
Federal/State Operations	
Technical Support	
Mine Safety and Health Administration	
Merit Systems Protection Board:	
OFC of the Executive Director	Director, Office of Policy & Evaluation. Executive Director. Director, Office of Administration Dir, Office of Management Analysis Dep Exec Dir for Regional Operations. Dep Executive Dir for Management.
OFC of General Counsel	Deputy General Counsel.
Office of Appeals Counsel	Deputy Director Office of Appeals Counsel.
Regional Offices	Regional Director, San Francisco. Regional Director, Chicago. Regional Director, Atlanta. Regional Director, Philadelphia. Regional Director, Dallas. Regional Director, Washington, D.C.
National Aeronautics and Space Administration:	
Office of the Assoc Admr for Policy	S/A to the Ossoc Admr for policy integration.
Office of the Comptroller	Asst Compt for Prog Status Rev & Cost Assess.
Institutional Analysis Division	Director Institutional Analysis Division.
Financial Management Division	Dir Financial Mgmt Div. Dep Dir, Financial Management Div.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Resources Analysis Division..... OFC Safety Reliability Maintainability & Qual Assur.....	Deputy Director Resources Analysis Div. Director, Safety Division. Special Assistant. Dir, Reliability, M/Q Assurance Division. Dep Assoc A/S, Reliability, M/Q Assurance. Director, Programs Assurance Division. Dir Systems Assessment Division. Director, Safety Division.
OFC of the Assoc Admr, Space Science and Applications	Asst Assoc Administrator (Institutions). Special Asst for Flight Programs.
Earth Science and Applications Division.....	Chief, Oceanic Processes Branch. Chief, Flight Programs Branch. Chf, Upper Atmospheric R/T Chemistry Branch. Chf, Atmospheric Dynamics and Radiation Br. Chief Land Processes Branch. Chf, Advanced M/I Science Research Branch. Spec Asst to the Dir, Earth SCI/Applications.
Communications Division.....	Dep Dir, Communications & Info Syst Div. Chf, Information Systems Branch.
Life Sciences Division.....	Chief, Space Medicine & Biology Branch. Chief, Flight Programs Branch.
Administration and Resources Management Division..... Solar Systems Exploration Division.....	Dep Dir, Life Sciences Division. Dep Dir, Administration & Resources MGMT Div. Dep/Dir Solar System Exploration Division. Chief, Geodynamics Branch. Chief, Mission Operations Branch. Chief Scientist (Geodynamics). Chief, Planetary Science Branch.
Flight Systems Division.....	Dep Dir for Adv Studies, Solar Sys Expltn Div. Mgr, Adv Instrumentation & Sensor Engineer. Chf, Space Station Utilization Branch. Chief Microgravity Payloads Branch. Deputy Dir Flight Systems Division.
Astrophysics Division.....	Chf, Astrophysics & Earth Sci Payloads Branch. Chf, High Energy Astrophysics Br. Chief, Astronomy/Relativity Branch. Chf, Observatories Development & Operations.
Microgravity Sciences and Applications Div..... Space Physics Div	Dep Dir Microgravity Science Applications Div. Chief, Solar Physics Branch. Dep Dir, Space Physics Division. Chief, Flight Programs Branch. Director, Space Physics Division.
Office of Procurement.....	Asst Admr for Procurement. Deputy Asst Admr for Procurement Director, Program Operations Division. Director, Procurement Policy Division. Dir Procurement Management Division. Dir Contract Pricing & Finance Office.
Ofc of Asst Admr for Commercial Programs.....	Dir, Commercial Development Division. Deputy Assistant Administrator (Programs) Dir, Small Business Innovation Res Office. Spec Asst to the Asst Admr.
Industry Relations Division.....	Dep Dir Industry Affairs Division.
Educational Affairs Division.....	Dep Director, Educational Affairs Division. Director, Educational Affairs Division. Deputy Director, Educational Affairs Division.
Congressional Relations Office.....	Dep Asst Admin for Congr Relations (Oper). Dir, Congressional Liaison Division.
OFC of the Assoc Admr Space Flight.....	Manager Operations Intergation Office. Dir Strategic Planning.
Unmanned Launch Vehicle and Upper Stages Div.....	Dir Safety Reliability & Quality Assurance. Dir Unmanned Launch Vehs & Upper Stgs Div. Dep Dir Unmanned Launch Vehicles & Upper Stag. Chf, Orbital Maneuvering Vehicle Program.
Shuttle Carrier Systems Division.....	Director, Shuttle Carrier Division.
Advanced Program Development Division.....	Chief Advanced Transportation Branch.
Resources Management..... Transportation Services.....	Dep Dir Advanced Program Development Division. Deputy Dir Resources & Institutions OFC Dir Transportation Services Office Dir, National Security & DoD Affairs Office.
National Space Transportation System.....	Chf, Commercial & Foreign Utilization Branch. Deputy Dir Transportation Services Office. Manager, Operations Integration Office. Deputy Manager, NSTS Program. Dep Dir, Natl Space Transportation System. Manager, Operations Integration Office. Manager, Engineering Integration Office. Manager, Integration and Operations. Dep Mgr, Natl Space Transportation Sys Prog. Dep Dir, National Space Transportation Syst.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
System Engineering and Analysis.....	Dep Mgr, Natl Space Trans Syst Operations. Manager, Shuttle Projects Office. Manager, NSTS Program Control. Chief Solid Rocket Booster Program Branch. Dir Shuttle Orbiter Division.
Propulsion Division.....	Chf, Solid Rocket Booster Program Branch.
Operations Utilization.....	Director, Shuttle Propulsion Division.
	Dir, Kennedy Space Center Projects Division.
	Dep Dir, Operations Utilization Directorate.
	Dir, Operations Utilization Directorate.
Office of the Associate Administrator, Management.....	Dir Aircraft Management Ofc.
Facilities Management.....	Director, Management Resources.
Logistics and Security.....	Dep Asst Assoc Admr for Facilities Management.
Personnel and General Management.....	Dir, Logistics & Security Division.
	Dep Asst Assoc Admin for Personnel Management.
Information Systems Division	Asst Assoc Admr for Personnel Management.
	Chf Scientific and Tech Info BR.
	Asst Assoc Admr for Info Res Management.
Ofc of Exploration	Dep A/A Admr for Info Res Mgmt Pol & Systems.
	Dep Assistant Administrator for Exploration.
Headquarters Operations	Special Asst for Strategic Planning.
	Dep Asst Administrator for Headquarters Ops.
	Dir, Information Syst & Technology Division.
Ofc of the Assoc Admr, Aeronautics and Space Tech.....	Dir, Hdqtrs Bld Consolidation Project Ofc.
Ofc of Director for Aeronautics	S/A to the Assoc Adm Aeron/Space Tech (E/T).
	Dep Dir for Aeronautics (Program Development).
	A/D for Aeronaut (Gen Aviat & Trans Aircraft).
	Deputy Director for Aeronautics.
	Dir for Aeronautics (High-Perf Aircraft).
Ofc of Dir for Space.....	Asst Director for Aeronautics (Rorocraft).
	Manager, Civil Space Technology Initiative.
	Asst Dir for Space (Spacecraft Technology)
	Asst Dir for Space (Space Station Technology)
Ofc of Dir for Institutions.....	Deputy Director for Space.
	Dir, Resources & Management Systems Office.
Materials & Structures Division	Director for Institutions.
Propulsion, Power, & Energy Division	Director, Materials and Structures.
National Aerospace Plans Office	Dir, Propulsion, Power and Energy Division.
	Director, National Aero-Space Plane Office.
Ofc of Assoc Admr for Space Station.....	Dep Dir, National Aero-Space Plane Office.
	Senior Engineer.
Information Systems Division	Assistant Assoc Administrator (Space Station).
Policy Division.....	S/A to the Assoc Admr for Space Station.
Utilization Division	Director, Information Systems Division.
	Director, Policy Division.
	Deputy Director, Utilization Division.
	Dir Utilization Division.
Strategic Plans Programs Division.....	Chf, Integration & Marketing Branch.
	Dep Dir, Strategic Plans & Programs Division.
Resources & Administration Division.....	Dir, Strategic Plans & Programs Division.
	Dep Dir, Resources & Administration Division.
	Dir, Resources & Administration Division.
	Dir, Resources & Administration Division.
Space Station Program Office.....	Dir, Software Engineering & Technol Div.
	Associate Program Director.
	Dir, Prog Syst Engineering/Integration Group.
	Dir, Data Systems Services Div.
	Tech Asst Dir, Space Station Freedom Program.
	Dep Dir, Space Station Program Office.
	Assoc Program Dir for Integration.
	Techn Asst to the Dep Dir Spc Stat Fred Prog.
	Director, Space Station Freedom.
	Dir, Information Systems Management Division.
	Dir, User Integration Division.
	Dir, Space Station Info Syst Dev Division.
Program Control Group	Director Program Control Group.
Program Integration Office.....	Dir, Program Integration Office.
Utilization & Operations Group.....	Director, Ground Operations Division.
	Dir, Program Utilization & Operations Group.
	Dir, Integrated Logistics Division.
	Dep Dir, Utilization & Operations Group.
	Dir, Planning & Analysis Division.
	Assoc Dir, Prog Utilization & Ops Group.
Programs System Engineering & Integration Group.....	Dir, Information Syst Integration Division.
	Dep Dir, Prog Syst Eng & Integration Group.
	Dir, System Engineering Division.
	Assoc Dir, Prog Syst Eng & Integration Group.
International Programs Group	Dep Dir, Program Control Group.
	Deputy Dir, International Progs Group.
	Asst Dir, International Programs Group.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Ofc of the Assoc Admr Space Operations	Dir, International Programs Group. Assistant Associate Administrators (Plans). Special Assistant (Operations).
Network System Division	Dep Dir, Ground Network Division. Manager Space Network Operations.
Communications and Data Systems Division	Dir, Ground Network Division. Dir, Communications & Data Systems Div. Dep Dir, Communications & Data Systems Div. Dir, Communications Data Systems Division.
Tdrss Division	Manager Tracking & Data Relay Satel Sys Prog.
Discrimination Complaints Division	Director, Discrimination Complaints Division.
Office of the Inspector General	Assist Inspector General for Investigation.
Ames Research Center	Assistant Inspector General for Auditing. Chief Ofc of Safety Reliability & Qual Assura.
Administration Directorate	Asst to the Center Dir for Advanced Systems. Comptroller.
Aerospace Systems Directorate	Chief, Acquisition Division. Chief, Aerodynamics Division. Chf Flight Systems & Simulation Rsch Div. Chf, Rotocraft & Powered-Lift Flight Proj Div. Deputy Dir Aerospace Systems Directorate.
Space Research Directorate	Chief Aircraft Technology Division. Deputy Director of Space Research. Chief, Life Sciences Division. Chief Aero-Space Human Factors Research Div. Chief, Earth Systems Science Division. Chf, Aerospace Human Factors Research Div.
Engineering and Technical Services Directorate	Dep Directorate Engineering & Tech Svcs.
Aerophysics Directorate	Chief, Space Science Division. Chief Computational Fluid Dynamics Branch. Chf, Systems Engineering Div. Chief Full Scale Aerodynamics Research Center. Chief, Fluid Dynamics Division. Chief Computer Systems & Research Division. Chief Thermoscience Division. Chief, Information Sciences Division. Dir, Numerical Aerodynamics Simu Sys Div.
Flight Operation and Research Directorate	Deputy Director of Aerophysics. Chief, Science & Applications Aircraft Div. Chf Engineer. Chf, Dryden Research Aircraft Operations Div. Chief, Research Engineering Division. Chf, Ames Research Aircraft Operations Div.
Goddard Space Flight Center	Comptroller.
Management Opers Directorate	Director of Human Resources.
Flight Assurance Directorate	Dep Dir of Management Operations.
Flight Projects Directorate	Associate Director for Acquisition. Director of Flight Assurance. Dep Dir of Flight Assurance. Deputy Director of Flight Projects. Dep Dir Flight Proj Ping Business Management. Proj Mgr, Tracking & D/R Satel Syst (Tdrss). Dep Dir to Flight Proj for Space Stat-Goddard. Project Manager, Gamma Ray Observatory. Proj Mgr, Hubble Space Telescope Prog-Goddard. Project Manager, Satellite Servicing Project. Proj Mgr, Intl Solar Terr Physics Proj (Istp). Chf Engineer, Flight Projects Directorate.
Mission Operations & Data Systems Directorate	Chief, Mission Operations Division. Assoc Dir of Mission Operations & Data Syst. Deputy Dir of Mission Operations & Data Sys. Dep Dir of Mission Operations & Data Systems. Chief Networks Division.
Space & Earth Sciences Directorate	Chief, Flight Dynamics Division. Head, Electrodynamics Branch. Chief, Lab for High Energy Astrophysics. Chief, Lab for Astronomy and Solar Physics Chief, Lab for Extraterrestrial Physics. Chief Laboratory for Atmospheres. Chief, Space Data and Computing Division. Deputy Dir for Space Sciences. Chief Laboratory for Oceans. Associate Director for Program Planning. Associate Director for Space Station. Chief, Goddard Institute for Space Studies. Deputy Director for Earth Sciences.
Engineering Directorate	Dep Dir of Engineering. Chief, Instrument Division. Chf, Applied Engineering Div. Chief Engineering Directorate.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Johnson Space Center.....	Asst Dir of Engineering for Development Proj. Assistant Director for Technical Resources. Chief Space Technology Division. Assistant Director (Plans). Dir of Public Affairs. Executive Assistant to the Director. Spec Asst for Engineering Operations & Safety. Technical Asst to the Director. Director of Procurement. Director of Human Resources. Special Assistant for Programs.
New Initiatives Office.....	Manager New Initiatives Office. Mgr Crew Emergency Return Vehicle Office.
Center Support.....	Deputy Dir Center Operations. Dir Admin. Dir of Procurement. Deputy Director, Administration. Dir Center Operations.
Space Operations.....	Chief, Aircraft Operations Division. Chief Training Division. Chief, Mission Planning and Analysis Division. Assistant Director, Mission Operations. Director, Mission Operations. Deputy Director, Mission Support. Chief, Systems Division. Chief, Systems Development Division. Chief, Flight Director Office. Deputy Director, Mission Operations. Assistant Director for Program Support. Assistant Director for NSTS Programs. Chf, Facility & Support Systems Division. Dep Dir, Flight Crew Operations. Assoc Dir for Information Systems Planning. Deputy Director, Engineering. Chief, Tracking & Communications Division. Chief, Propulsion & Power Division. Chief Structures and Mechanics Division. Chief, Crew & Thermal Systems Division. Chief Solar System Exploration Division. Chief, Medical Sciences Division. Deputy Director, Space and Life Sciences. Director, Engineering. Chief, Systems Development & Simulation Div. Deputy Director, Space and Life Sciences. Chf, Avionics Systems Division. Chf, Man-Systems Division.
Research & Engineering.....	Deputy Manager Sts Orbiter GFE Projects Ofc. Manager, Orbiter and GFE Projects Office. Manager for Development. Dep Mgr, Space Station Projects Office. Dir, Safety, Reliability, & Quality Assurance. Dep Dir, Safety, Reliability & Qual Assurance. Chief, Safety Division. Asst Manager for Policy. Manager, NASA White Sands Test Facility. Director, Procurement. Dir, Exex Management Ofc. Associate Deputy Director. Chf., Biomedical Office. Dir Public Affairs. Director, Safety and Reliability. Director, Protective Services. Director, Quality Assurance. Manager Space Station Projects Office. Dir, Shuttle Logistics Project Management. Dir of Space Trans System Mgmt & Operations.
Natl Space Transp Sys Prog Ofc.....	Director of Center Support Operations.
Space Station Project Office.....	Deputy Director of Center Support Operations.
Safety, Reliability & Quality Assurance.....	Deputy Director of Engineering Development.
Sts Operations Program Office.....	Director, Project Management.
NASA White Sands Test Facility.....	Dir, Mechanical Engineering.
Kennedy Space Center.....	Director, Electronic Engineering.
Biomedical Office.....	Dep Dir of Cargo Operations.
Public Affairs.....	Director, Expendable Vehicles.
Safety, Reliability and Quality Assurance.....	Director, Sts Payload Operations.
Shuttle Management Operations.....	Director, Shuttle Operations.
Center Support Operations.....	Director, Ground Engineering.
Engineering Development.....	Director, Shuttle Logistics.
Project Management.....	Chief Engineer.
Mechanical and Facilities Engineering.....	Chf., Analysis & Computation Division.
Electronic Engineering.....	
Cargo Management and Operations.....	
Sts Cargo Operations.....	
Shuttle Projects Office.....	
Shuttle Logistics.....	
Langley Research Center.....	
Electronics Directorate.....	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Structures Directorate.....	Chf., Flight Electronics Division. Chf. Instrument Research Division. Chief Flight Electronics Division. Chief Instrument Research Division. Chief, Projects Division. Chf., Acoustics Division. Chief Structural Mechanics Division. Chf., Materials Division. Chief Structural Dynamics Division. Chief, Advanced Vehicles Division. Chief Transonic Aerodynamics Div. Chief, Low-Speed Aerodynamics Division. Chf., Applied Aerodynamics Division. Chief Applied Aerodynamics Division. Deputy Director for Aeronautics. Chief, Flight Applications Division. Chief, High Speed Aerodynamics Division. Manager, Hypersonic Technology Office. Chief, Fluid Mechanics Division. Chief, Space System Division. Chief Atmospheric Sciences Division. Manager, Space Freedom Office. Manager Evolutionary Definition Office. Deputy Manager, Space Station Freedom Office. Deputy Director for Space.
Aeronautics Directorate.....	Dep Dir For Syst Engineering Division. Chief Facilities Engineering Division. Chief Systems Engineering Div. Chf, Syst Sfty, Quality, & Reliability Div. Chief Information Systems Division. Chf, Guidance and Control Division. Chief Flight Management Division. Director, Ofc of Intergency & Industry Prog. Chf, Ofc of Sfty, Reliability & Quality Assur. Chief, Computer Services Division. Dir. Adm & Computer Services Directorate. Chief Internal Fluid Mechanics Division. Chf, Propulsion Systems Div. Chief, Instrumentation & Control Technol Div. Chief Technologist. Chf, Aeropropulsion Analysis Office. Chf, Aeropropulsion Facilities & Exper Div. Dep Dir of Space Station Systems. Chief Electrical Systems Division. Chief, Photovoltaic Power Module Division. Chief, Power Technology Division. Chf, Systems Engineers & Integration Div. Chief, Space Propulsion Technology Division. Chief, Materials Division.
Space Directorate.....	Chief, Structures Division. Chf. Advanced Space Analysis Office. Manager Launch Vehicle Project Office. Manager, Acts Project Office. Chief, Space Experiments Division. Chief, Space Electronics Division. Chief, Structural Systems Division. Chf, Electronics & Control Systems Division. Director of Engineering. Deputy Director of Engineering. Chief, Propulsion & Fluid Systems Division. Associate Director. Executive Assistant to the Director. Comptroller. Assistant to the Director. Dir. Admin Operations Office. Manager, Advanced Propulsion Systems Office. Director, Quality Assurance Office. Dir. Systems Safety & Reliability Office. Dir. Sfty, Rel. Maint. & Quality Assurance. Chief Engineer, Hubble Space Telescope. Dir. Materials & Processes Laboratory. Director, Space Sciences Lab. Director, Propulsion Laboratory Director, Syst Anal & Integration Laboratory. Dep Dir Sys Analysis and Intergration Lab. Chf Mission Analysis Division. Chf. Aerophysics Div. Dir-Test Laboratory. Deputy Director for Space Systems. Dep Dir. Material & Processes Laboratory.
Systems Engineering And Operations Directorate.....	Chief, Structures Division. Chf. Advanced Space Analysis Office. Manager Launch Vehicle Project Office. Manager, Acts Project Office. Chief, Space Experiments Division. Chief, Space Electronics Division. Chief, Structural Systems Division. Chf, Electronics & Control Systems Division. Director of Engineering. Deputy Director of Engineering. Chief, Propulsion & Fluid Systems Division. Associate Director. Executive Assistant to the Director. Comptroller. Assistant to the Director. Dir. Admin Operations Office. Manager, Advanced Propulsion Systems Office. Director, Quality Assurance Office. Dir. Systems Safety & Reliability Office. Dir. Sfty, Rel. Maint. & Quality Assurance. Chief Engineer, Hubble Space Telescope. Dir. Materials & Processes Laboratory. Director, Space Sciences Lab. Director, Propulsion Laboratory Director, Syst Anal & Integration Laboratory. Dep Dir Sys Analysis and Intergration Lab. Chf Mission Analysis Division. Chf. Aerophysics Div. Dir-Test Laboratory. Deputy Director for Space Systems. Dep Dir. Material & Processes Laboratory.
Flight Systems Directorate.....	Chief, Structures Division. Chf. Advanced Space Analysis Office. Manager Launch Vehicle Project Office. Manager, Acts Project Office. Chief, Space Experiments Division. Chief, Space Electronics Division. Chief, Structural Systems Division. Chf, Electronics & Control Systems Division. Director of Engineering. Deputy Director of Engineering. Chief, Propulsion & Fluid Systems Division. Associate Director. Executive Assistant to the Director. Comptroller. Assistant to the Director. Dir. Admin Operations Office. Manager, Advanced Propulsion Systems Office. Director, Quality Assurance Office. Dir. Systems Safety & Reliability Office. Dir. Sfty, Rel. Maint. & Quality Assurance. Chief Engineer, Hubble Space Telescope. Dir. Materials & Processes Laboratory. Director, Space Sciences Lab. Director, Propulsion Laboratory Director, Syst Anal & Integration Laboratory. Dep Dir Sys Analysis and Intergration Lab. Chf Mission Analysis Division. Chf. Aerophysics Div. Dir-Test Laboratory. Deputy Director for Space Systems. Dep Dir. Material & Processes Laboratory.
Lewis Research Center.....	Chief, Structures Division. Chf. Advanced Space Analysis Office. Manager Launch Vehicle Project Office. Manager, Acts Project Office. Chief, Space Experiments Division. Chief, Space Electronics Division. Chief, Structural Systems Division. Chf, Electronics & Control Systems Division. Director of Engineering. Deputy Director of Engineering. Chief, Propulsion & Fluid Systems Division. Associate Director. Executive Assistant to the Director. Comptroller. Assistant to the Director. Dir. Admin Operations Office. Manager, Advanced Propulsion Systems Office. Director, Quality Assurance Office. Dir. Systems Safety & Reliability Office. Dir. Sfty, Rel. Maint. & Quality Assurance. Chief Engineer, Hubble Space Telescope. Dir. Materials & Processes Laboratory. Director, Space Sciences Lab. Director, Propulsion Laboratory Director, Syst Anal & Integration Laboratory. Dep Dir Sys Analysis and Intergration Lab. Chf Mission Analysis Division. Chf. Aerophysics Div. Dir-Test Laboratory. Deputy Director for Space Systems. Dep Dir. Material & Processes Laboratory.
Administration & Computer Services.....	Chief, Structures Division. Chf. Advanced Space Analysis Office. Manager Launch Vehicle Project Office. Manager, Acts Project Office. Chief, Space Experiments Division. Chief, Space Electronics Division. Chief, Structural Systems Division. Chf, Electronics & Control Systems Division. Director of Engineering. Deputy Director of Engineering. Chief, Propulsion & Fluid Systems Division. Associate Director. Executive Assistant to the Director. Comptroller. Assistant to the Director. Dir. Admin Operations Office. Manager, Advanced Propulsion Systems Office. Director, Quality Assurance Office. Dir. Systems Safety & Reliability Office. Dir. Sfty, Rel. Maint. & Quality Assurance. Chief Engineer, Hubble Space Telescope. Dir. Materials & Processes Laboratory. Director, Space Sciences Lab. Director, Propulsion Laboratory Director, Syst Anal & Integration Laboratory. Dep Dir Sys Analysis and Intergration Lab. Chf Mission Analysis Division. Chf. Aerophysics Div. Dir-Test Laboratory. Deputy Director for Space Systems. Dep Dir. Material & Processes Laboratory.
Aeronautics Directorate.....	Chief, Structures Division. Chf. Advanced Space Analysis Office. Manager Launch Vehicle Project Office. Manager, Acts Project Office. Chief, Space Experiments Division. Chief, Space Electronics Division. Chief, Structural Systems Division. Chf, Electronics & Control Systems Division. Director of Engineering. Deputy Director of Engineering. Chief, Propulsion & Fluid Systems Division. Associate Director. Executive Assistant to the Director. Comptroller. Assistant to the Director. Dir. Admin Operations Office. Manager, Advanced Propulsion Systems Office. Director, Quality Assurance Office. Dir. Systems Safety & Reliability Office. Dir. Sfty, Rel. Maint. & Quality Assurance. Chief Engineer, Hubble Space Telescope. Dir. Materials & Processes Laboratory. Director, Space Sciences Lab. Director, Propulsion Laboratory Director, Syst Anal & Integration Laboratory. Dep Dir Sys Analysis and Intergration Lab. Chf Mission Analysis Division. Chf. Aerophysics Div. Dir-Test Laboratory. Deputy Director for Space Systems. Dep Dir. Material & Processes Laboratory.
Space Station Systems Directorate.....	Chief, Structures Division. Chf. Advanced Space Analysis Office. Manager Launch Vehicle Project Office. Manager, Acts Project Office. Chief, Space Experiments Division. Chief, Space Electronics Division. Chief, Structural Systems Division. Chf, Electronics & Control Systems Division. Director of Engineering. Deputy Director of Engineering. Chief, Propulsion & Fluid Systems Division. Associate Director. Executive Assistant to the Director. Comptroller. Assistant to the Director. Dir. Admin Operations Office. Manager, Advanced Propulsion Systems Office. Director, Quality Assurance Office. Dir. Systems Safety & Reliability Office. Dir. Sfty, Rel. Maint. & Quality Assurance. Chief Engineer, Hubble Space Telescope. Dir. Materials & Processes Laboratory. Director, Space Sciences Lab. Director, Propulsion Laboratory Director, Syst Anal & Integration Laboratory. Dep Dir Sys Analysis and Intergration Lab. Chf Mission Analysis Division. Chf. Aerophysics Div. Dir-Test Laboratory. Deputy Director for Space Systems. Dep Dir. Material & Processes Laboratory.
Aero Space Technology Directorate.....	Chief, Structures Division. Chf. Advanced Space Analysis Office. Manager Launch Vehicle Project Office. Manager, Acts Project Office. Chief, Space Experiments Division. Chief, Space Electronics Division. Chief, Structural Systems Division. Chf, Electronics & Control Systems Division. Director of Engineering. Deputy Director of Engineering. Chief, Propulsion & Fluid Systems Division. Associate Director. Executive Assistant to the Director. Comptroller. Assistant to the Director. Dir. Admin Operations Office. Manager, Advanced Propulsion Systems Office. Director, Quality Assurance Office. Dir. Systems Safety & Reliability Office. Dir. Sfty, Rel. Maint. & Quality Assurance. Chief Engineer, Hubble Space Telescope. Dir. Materials & Processes Laboratory. Director, Space Sciences Lab. Director, Propulsion Laboratory Director, Syst Anal & Integration Laboratory. Dep Dir Sys Analysis and Intergration Lab. Chf Mission Analysis Division. Chf. Aerophysics Div. Dir-Test Laboratory. Deputy Director for Space Systems. Dep Dir. Material & Processes Laboratory.
Space Flight Systems Directorate.....	Chief, Structures Division. Chf. Advanced Space Analysis Office. Manager Launch Vehicle Project Office. Manager, Acts Project Office. Chief, Space Experiments Division. Chief, Space Electronics Division. Chief, Structural Systems Division. Chf, Electronics & Control Systems Division. Director of Engineering. Deputy Director of Engineering. Chief, Propulsion & Fluid Systems Division. Associate Director. Executive Assistant to the Director. Comptroller. Assistant to the Director. Dir. Admin Operations Office. Manager, Advanced Propulsion Systems Office. Director, Quality Assurance Office. Dir. Systems Safety & Reliability Office. Dir. Sfty, Rel. Maint. & Quality Assurance. Chief Engineer, Hubble Space Telescope. Dir. Materials & Processes Laboratory. Director, Space Sciences Lab. Director, Propulsion Laboratory Director, Syst Anal & Integration Laboratory. Dep Dir Sys Analysis and Intergration Lab. Chf Mission Analysis Division. Chf. Aerophysics Div. Dir-Test Laboratory. Deputy Director for Space Systems. Dep Dir. Material & Processes Laboratory.
Engineering & Technical Services Directorate.....	
Marshall Space Flight Center.....	
Office of Sfty, Rel & Quality Assurance.....	
Science and Engineering.....	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Special Projects Office..... Spacelab Payload Project.....	Chf Engineer, Space Shuttle Main Engine Proj. Director Information & Electronic Sys Lab. Dir Structures Dynamics Laboratory. Chief Engineer, Space Station Projects. Dep Dir Propulsion Laboratory. Dir. Material & Processes Laboratory. Dep. Dir for Space Transportation Systems. Dep Dir. Info & Electronic Systems Laboratory. Dir. Research & Technology Office. Manager, Orbital Maneuvering Vehicle Project. Deputy Manager Payload Projects Office. Manager Science Payloads Projects. Manager, Mission Management Office. Dep Manager Payload Projects Office.
Space Station Projects Office.....	Manager, Space Station Projects Office. Manager, Logistics Module Project Office. Deputy Manager for Advanced Launch System. Dep Mgr. Space Station Projects Office.
Program Development.....	Deputy Director, Program Development. Director, Preliminary Design Office. Assoc. Dir. For Advanced Planning.
Shuttle Projects Office.....	Manager, Solid Rocket Booster Project Office. Manager/Booster Assembly Proj. Management Ofc. Manager, Systems Management Office. Manager, Solid Rocket Motor Project. Mgr Space Shuttle Main Engine Project. Manager, External Tank Project. Manager, Advanced Solid Rocket Motor Project.
Space Telescope Project Office.....	Manager, Hubble Space Telescope Project Ofc. Dep Dir, Hubble Space Telescope Project Ofc. Manager Support System Module Project Office.
Administration and Program Support.....	Dir, Information Systems Office. Dir, Institutional & Program Support. Director, Procurement Office. Dep Dir, Institutional & Program Support. Dep Dir, Institutional & Program Support.
National Space Technology Laboratories.....	Dep Dir, NASA Stennis Space Center. Director, Science and Technology Laboratory. Director, Center Operations. Assoc Director for Institution. Dir, Propulsion Test Operations. Director, Center Operations.
National Archives & Records Administration: National Archives & Records Administration.....	Deputy Archivist of the United States. Asst Archivist for the National Archives. Asst Archivist for Federal Records Centers. Asst Archivist for Records Administration. Director, Lyndon B. Johnson Library. Director, Harry S. Truman Library. Director, Dwight D Eisenhower Library.
National Capital Planning Commission: National Capital Planning Commission Staff.....	Assoc Exec Dir Regional Affairs. Executive Director. Assoc Exec Dir D.C. Affairs. Assistant Executive Director for Operations.
National Endowment for the Arts: National Endowment for the Arts.....	Director of Program Coordination. Director of Administration.
National Endowment for the Humanities: National Endowment for the Humanities.....	Dir, Office of Planning & Budget. Asst Chairman for Operations.
National Labor Relations Board: Ofc of the Board Members.....	Executive Secy. Deputy Executive Secretary. Inspector General.
Div of Enforcement Litigation.....	Deputy Assoc. Gen. Counsel Appellate Court Br. Director, Office of Appeals.
Div of Advice.....	Associate Gen Counsel, Div of Advice. Deputy Assoc Gen Counsel.
Div of Administration.....	Director of Administration. Deputy Director of Administration.
Div of Operations Management.....	Assoc General Counsel, Div of Operation-Mgmt. Dep Asso Gen Counsel, Div of Operations-Mgmt. Assistant General Counsel. Assistant General Counsel. Assistant General Counsel. Assistant General Counsel. Asst to the General Counsel.
Regional Offices.....	Regl Dir Reg 1 Boston.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
	Regional Director, Reg. 2, New York. Regional Director, Reg. 3, Buffalo. Regl Dir, Reg 4, Philadelphia. Regional Director, Reg. 5, Baltimore. Regional Director, Reg. 6, Pittsburgh. Regl Dir Region 7, Detroit Mich. Regional Director, Reg. 8, Cleveland. Regional Director, Reg. 9, Cincinnati. Regl Dir, Reg 10 Atlanta. Regl Dir, Reg. 11, Winston Salem. Regional Director, Reg. 12, Tampa. Regional Director, Reg. 13, Chicago. Regl Dir Reg 14 St. Louis. Regl Dir Reg 15 New Orleans. Regl Dir Reg 16 Ft Worth. Regl Dir Reg 17 Kansas City. Regl Dir Reg 18 Minneapolis. Regl Dir Reg 19 Seattle. Regional Dir, Reg 20, San Francisco. Regional Director, Reg. 21, Los Angeles. Regional Director Reg 22 Newark. Regional Director Reg 24 Hato Rey Puerto Rico. Regl Dir, Reg 25, Indianapolis. Regl Dir Reg 26 Memphis. Regl Dir Reg 27 Denver. Regl Dir, Reg. 28 Phoenix. Regl Dir Reg 29 Brooklyn. Regl Dir Reg 30 Milwaukee. Regl Dir., Reg 32, Oakland. Regional Director, Reg 33, Peoria, Ill. Regl Dir Reg 31, Los Angeles. Regional Director, reg 34, Hartford.
National Science Foundation:	
Office of the Inspector General.....	Inspector General.
Office of the Director.....	Senior Staff Associate.
Office of Information Systems.....	Dir, Information Management Division. Dir, Technological Environment Division. Executive Officer.
Research Facilities Office.....	Deputy General Counsel.
Office of the General Counsel.....	Ofc Dir Ofc of Audit & Oversight.
Organization Abolished.....	Division Director.
Division of Budget.....	Director, Program Evaluation Staff.
Program Evaluation Staff.....	Sr Assoc Ofc of Legislative & Public Affairs.
Office of Legislative and Public Affairs.....	Executive Officer.
Directorate for Geosciences.....	Head Centers & Facilities Section.
Division of Atmospheric Sciences.....	Section Head, Upper Atmosphere Section. Head Lower Atmosphere Section.
	Section Head, Research Grants Section. Head Major Projects Section.
Division of Earth Sciences.....	Section Head Ocean Sciences Research Section. Manager Polar OPS Section.
Division of Ocean Sciences.....	Head, Polar Coordination & Info Section.
Division of Polar Programs.....	Dep Dir Division of Polar Programs.
	Senior Engineering Advisor.
Directorate for Engineering.....	Deputy Division Director.
Div of Design and Manufacturing Systems.....	Deputy Division Director.
Division of Biological and Critical Systems.....	Head Hazard Mitigation Section.
	Deputy Division Director.
Div of Electrical and Communications Systems.....	Deputy Division Director.
Div of Mechanical and Structural Systems.....	Office Head.
Office for Engineering Infrastructure Development.....	Senior Staff Associate.
	Executive Officer.
Directorate for Biological, Behavioral Social Sciences.....	Deputy Division Director.
Division of Social and Economic Sciences.....	Senior Scientist.
	Deputy Division Director.
Division of Cellular Biosciences.....	Executive Officer.
Directorate for Mathematical and Physical Sciences.....	Senior Staff Associate for Planning.
	Senior Staff Associate.
Division of Physics.....	Section Head—Astronomy Centers.
Division of Astronomical Sciences.....	Section Head—Astronomy Research.
	Dep Dir, Division of Astronomical Sciences.
Division of Mathematical Sciences.....	Deputy Division Director.
Division of Materials Research.....	Sect Head, Metallurgy, Polymers & Ceramics.
	Head Condensed Matter Sciences Section.
Division of Chemistry.....	Dep Dir Division of Chemistry.
Directorate for Science & Engineering Education.....	Exe Ofcr, Directorate for Sci & Eng Education.
	Senior Staff Associate.
Division of Policy Research and Analysis.....	Section Head, Science & Innovation Pol. Sec.
Division Of Sciences Resources Studies.....	Section Head Survey and Analysis Section. Section Head, Special Analytical Studies Sect.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Division of International Programs	Deputy Division Director. Head Special Projects Office. Senior Staff Associate. Head, Information and Analysis Section. Head, Cooperative Science Section. Sr Science Assoc Cooperative Science Section. Section Head Industrial Support Section.
Division of Industrial Sciences & Technology Innovation	Senior Staff Associate.
Division of Research Initiation & Improvement	Senior Science Associate.
Division of Grants and Contracts	Director Division of Grants and Contracts.
Division of Financial Management	Division Director.
Division of Administrative Services	Dir, Division of Administrative Services.
Division of Personnel and Management	Division Director.
Directorate for Computer & Info Science & Engineering	Executive Officer.
Div of Advanced Scientific Computing	Deputy Director.
Div of Computer and Computation Research	Deputy Division Director.
National Transportation Safety Board:	
Office of the Managing Director	Deputy Managing Director.
Bureau of Administration	Dir Bureau of Administration.
Bureau of Accident Investigation	Director Bureau of Accident Investigation.
	Deputy Director.
Bureau of Field Operations	Director.
Bureau of Technology	Dir Bureau of Technology.
	Deputy Director of Technology.
Bureau of Safety Programs	Director, Bureau of Safety Programs.
	Deputy Director.
Nuclear Regulatory Commission:	
Atomic Safety and Licensing Brd Panel	Chairman ASLAP.
	Deputy Chief Administrative Judge Executive.
Atomic Safety and Licensing Appeal Panel	Chairman Aslap.
Office of the Inspector General	Director, Office of Inspector & Auditor.
	Dep Dir Ofc of the Inspector General.
	Asst Inspector General for Investigations.
	Asst Inspector General for Audits.
Deputy GC for Licensing & Regulation	Deputy Assistant GC/Legislative Counsel.
Dep GC for Hearings, Enforcement & Administration	Deputy Assistant GC for Administration.
Assistant GC for Hearings and Enforcement	Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
	Special Deputy Assistant General Counsel.
	Deputy Assistant General Counsel.
Division of Operational Assessment	Chief Incident Response Branch.
	Chf, Diagnostic Eval & Incident Invest Branch.
Division of Safety Programs	Chf, Reactor Operations Analysis Branch.
	Chf, Trends & Patterns Analysis Branch.
Office of Administration	Dir Div of Contracts & Property Management.
	Director, Div of Security.
Office of the Controller	Dir Division of Accounting and Finance.
	Special Assistant for Internal Controls.
Office of Investigations	Associate Director for Legal Affairs.
Ofc of Small and Disadv Bus Utilization/Civil Rights	Director.
Program Management, Policy Development & Analysis Staff	Chief, Plng, Programs & Mgmt Support Branch.
	Chf, Pol Dev & Tech Support Branch.
	Chf, Inspection & Licensing Progs Branch.
Assistant Director for Region I Reactors	Project Director, Project Directorate I-1.
	Project Director, Project Directorate I-2.
	Project Director, Project Directorate I-3.
	Project Director, Project Directorate I-4.
Assistant Director for Region II Reactors	Proj Dir Project Directorate II 1.
	Proj Dir Project Directorate II 2.
	Proj Dir Project Directorate II 3.
Assistant Director for Region III Reactors	Proj Dir Project Directorate III 1.
	Proj Dir Project Directorate III 2.
	Proj Director Project Directorate III 3.
Assistant Director for Region IV Reactors	Proj Dir Std Non Power React Proj Directorate.
	Proj Dir Project Directorate V.
	Proj Dir Project Directorate IV.
Asst Dir For Special Projects	Proj Dir, S & L Extension Project Directorate.
	Proj Dir, N-P Reactor, D & E Proj Directorate.
	Asst Dir for Special Projects.
Division of Engineering Technology	Chief, Materials & Chemical Engineering Br.
	Chf, Mechanical Engineering Branch.
	Chf, Structural & Geosciences Branch.
	Chf, Chemical Engineering Branch.
Division of Systems Technology	Chf, Plant Systems Branch.
	Chf, Reactor Systems Branch.
	Chf, Instrumentation & Control Syst Branch.
	Chf, Electrical Systems Branch.
Division of Operational Events Assessment	Chief, Generic Communications Branch.
	Chf, Technical Specification Branch.
	Chief, Events Assessment Branch.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Division of Reactor Inspection & Safeguards.....	Chf, Vendor Inspection Branch.
Div of Radiation Protection & Emergency Preparedness.....	Chf, Safeguards Branch.
Division of Licensee Performance & Quality Evaluation.....	Chf, Special Inspections Branch.
Office of Nuclear Material Safety and Safeguards.....	Chief Emergency Preparedness Branch.
Division of Safeguards & Transportation.....	Chf, Risk Application Branch.
Div of Industrial & Medical Nuclear Safety.....	Chf, Radiation Protection Branch.
Division of High Level Waste Management.....	Chf, Quality Assurance Branch.
Div of Low Level Waste Management & Decommissioning.....	Chf, Human Factors Assessment Branch.
Division of Engineering.....	Chf, Operator Licensing Branch.
Division of Safety Issue Resolution.....	Chf, Performance & Quality Evaluation Branch.
Division of Regulatory Applications.....	Dir Special Issues Group.
Division Of Systems Research.....	Asst Dir, Special Issues Group.
Region I.....	Chf, Domestic Sg & Regl Oversight Branch.
Region II.....	Chf, International Safeguards Branch.
Region III.....	Chief, Transportation Branch.
Region IV.....	Chief, Operations Branch.
Region V.....	Chief, Fuel Cycle Safety Branch.
Office of Government Ethics:	Chief, Medical, Acad & Com Use Sfty Branch.
Office of Government Ethics.....	Chf, Engineering Branch.
Office of Management and Budget:	Proj Dir, Repository L & Q Assurance
Office of the Director.....	Chf, Geosci & Systems Performance Branch.
Office of General Counsel.....	Chief, Operations Branch.
Legislative Reference Division.....	Chief, Technical Branch.
	Chief, Regulatory Branch.
	Chief, Materials Engineering Branch.
	Chief Waste Management Branch.
	Chief, Electrical and Mechanical Engineer Brh.
	Chief, Structural and Seismic Engineering Brh.
	Chief, Severe Accident Issues Branch.
	Chief, Engineering Issues Branch.
	Chief Reactor and Plant Sfty Issues Branch.
	Chief Regulation Development Branch.
	Chf, Radiation Protection & Health Effects Br.
	Chief Adv Reactors and Generic Issues Branch.
	Chief Accident Evaluation Branch.
	Chf, Probabilistic Risk Analysis Branch.
	Chief, Reactor and Plant Systems Branch.
	Chief Human Factors Branch.
	Deputy Regional Administrator.
	Dir, Div of Radiation Safety & Safeguards.
	Dep Dir, Div of Radiation Safety & Safeguards.
	Director Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director, Division of Reactor Projects.
	Deputy Regional Administrator Region II.
	Dir, Div of Radiation Safety & Safeguards.
	Dep Dir, Div of Radiation Safety & Safeguards.
	Director, Division of Reactor Projects.
	Deputy Director, Division of Reactor Projects.
	Director, Division of Reactor Safety.
	Dep Dir, Div of Reactor Safety.
	Dep Regional Administrator Region III
	Director, Division of Reactor Safety
	Dep Dir, Div of Reactor Safety.
	Director, Division of Reactor Projects.
	Deputy Director Division of Reactor Projects.
	Dir, Div of Radiation Safety & Safeguards.
	Dep Dir, Div of Radiation Safety & Safeguards.
	Deputy Regional Administrator Region IV.
	Director Uranium Recovery Field Office.
	Director Div of Reactor Projects.
	Deputy Director, Div of Reactor Projects.
	Dir, Div of Radiation Safety & Safeguards.
	Dir, Division of Reactor Safety.
	Dep Director, Div of Radiation Safeguards.
	Deputy Regional Administrator Region V.
	Dir Div of Reactor Safety and Projects.
	Dep Dir Div of Reactor Safety and Projects.
	Dir, Div of Radiation Safety & Safeguards.
	Deputy Director.
	Deputy General Counsel.
	Assistant Director for Administration.
	Deputy Associate Dir for Economic Policy.
	Dep Gen Counsel.
	Associate General Counsel for Budget.
	Asst Dir Legislative Reference.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Office of Federal Procurement Policy	Dep/Asst/Dir for Legislative Reference. Chief, Economics, Science & Govt. Branch. Chief, Resources—Defense—International Branch.
Office of Information and Regulatory Affairs	Assoc. Administrator for Management Control. Chief Information Policy Branch. Chief, Human Resources and Housing Branch. Chief, Commerce and Lands Branch. Chief Statistical Policy Branch. Chief, Natural Resources Branch.
Associate Director for Management	Chf. Info Technology Management Branch. Deputy Associate Director for Operations. Dep Assoc Dir for Financial Mgt. Chief, Financial Systems and Policy Branch. Chief Personnel & General Services Branch. Chief, Productivity Management Branch. Chief, Credit and Cash Management Branch.
Budget Review Division	Assistant Director for General Management. Asst Dir for Budget Review. Dep Assistant Director for Budget Review. Chief Fiscal Analysis Branch. Dep Chief Fiscal Analysis Branch. Chf, Budget Preparation Branch. Chief, Resources Systems Branch. Chief, Central Budget Management Staff. Deputy Chief Budget Preparation Branch. Budget Advisor to the Director, Brd.
Assoc Dir for National Security and International Affs	Deputy Associate Director for Special Studies.
International Affairs Division	Dep Assoc Dir for Internatl Affairs. Chief, State-USIA Branch. Chief, Economic Affairs Branch.
National Security Division	Chief International Security Affairs Branch. Dep Assoc Dir for National Security. Dep Chief. Chf., Intelligence Community Branch. Chief, Navy Branch. Chief, Air Force Branch. Chief, Manpower, Pay & Policy Branch.
Assoc Dir for Human Resources, Veterans and Labor	Dep Assoc Dir for Special Studies.
Health and Income Maintenance Division	Dep Assoc Dir for Health & Income Maintenance. Chf, Income Maintenance Branch. Chief Health & Social Services Branch. Chief Health & Financing Branch.
Labor, Veterans, and Education Division	Deputy Associate Director for Labor, Vet & Ed. Dep Div Chf-Labor. Chief, Education Branch. Chf Veteran Affairs Branch.
Associate Director for Economics and Government	Dep Assoc Dir for Special Studies.
Transportation, Commerce, and Justice Division	Dep Assoc Dir for Transp, Commerce & Justice. Chief Commerce & Justice Branch. Chief Transport General Services Branch.
Housing, Treasury and Finance Division	Deputy Assoc Dir for Housing Treasury Finance. Chief, Treasury/Post Branch. Chief, Financial Institutions Branch. Chief, Housing Branch.
Assoc Dir for Natural Resources, Energy, and Science	Dep Assoc Dir for Spec Studies.
Natural Resources Division	Dep. Associate Dir. for Natural Resources. Chief, Water Resources Branch. Chief, Agricultural Branch. Chief, Environment Branch. Chief Interior Branch.
Energy and Science Division	Asst Division Chief NRD. Dep. Assoc. Dir for Energy & Science. Chief, Nuclear Energy Branch. Chief Science and Space Programs Branch. Chief Non-Nuclear Energy Branch.
Office of Personnel Management:	
Office of the Director	Dir. Ofc of Combined Fed Campaign Operations.
Office of the Inspector General	Inspector General.
Organization Abolished	Dep Dir. Ofc of Government Ethics Deputy General Counsel OGE.
Office of Finance and Administrative Services	Asst Dir for Finance & Administrative Serv.
Office of Information Management	Executive for ADP Operations.
Office of Actuaries	Director, Office of Actuaries.
Office of Insurance Programs	Asst Dir for Insurance Program.
Office of Retirement Programs	Asst Dir for Retirement Programs.
Office of Personnel Research and Dev	Asst Dir for Personnel Research & Development.
Office of Administrative Law Judges	Asst Dir for Administrative Law Judges.
Staffing Service Center	Director, Staffing Service Center.
Office of Agency Compliance & Evaluation	Asst Dir for Agency Compliance & Evaluation.
Office of Classification	Asst Dir for Classification.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Office of Federal Investigations Office of Washington Examining Services Office of the Special Counsel (MSPB): Headquarters, Office of the Special Counsel	Asst Dir for Federal Investigations. Asst Dir for Wash Examining Services. Assoc Spec Counsel (Investigation). Assoc Special Counsel (Prosecution). Deputy Associate Spec Counsel for Prosecution. Managing Director for Operations.
Railroad Retirement Board: Railroad Retirement Board	Assistant Inspector General for Audit. Chief Executive Officer. Deputy General Counsel. Asst Inspector General for Investigations. Chief Financial Officer.
Board Staff	Assistant Inspector General for Audit. Dir of Unemployment & Sickness Insurance. Director of Data Processing. Director for Program Analysis. Dir of Legal & Admin Services & General Counl. Director of Retirement Claims. Chief Actuary. Director of Field Service.
Securities and Exchange Commission: Office of the Chairman Office of the Executive Director Div of Corporation Finance	Dep Chf Accountant. Dep Exec Director. Associate Director (Disclosure Operations). Chf Coun-Assoc Dir (Legal)
Selective Service System: Selective Service System	Assoc Dir Information Management. Chief of Staff.
Small Business Administration: Ofc of the Inspector General	Asst Inspector General for Auditing. Asst Inspector General for Investigations. Dep Inspector Gen & Coun to the Inspector Gen. Associate General Counsel for General Law. Assoc Gen Counsel Litigation.
Office of the General Counsel	Deputy Associate Admin for Financial Asst. Director of Portfolio Management.
Financial Assistance Division	Director of Prime Contracts.
Office Procurement Assistance	Assoc Admr for MSB-COD.
Ofc of Minority Small Business & Capital Ownership Dev	Dep Assoc Adm M/S B & C Ownership Development.
Office of Information Resources Mgmt	Asst Admin for Information Resources.
Office of Personnel	Director of Personnel.
Office of the Comptroller	Comptroller.
Office of Program Analysis & Review	Director of Program Analysis and Review.
Office of EEO & Compliance	Dir Ofc of Equal Employment Opport & Complian.
District Directors	District Dir Phila. District Dir, Reg IX, Los Angeles. District Director, Region V, Chicago. District Director, New York.
Department of State:	Supervisory Structural Engineer. Dir, Office of East-West Trade. Dir, Ofc of Resources Policy. Dir Ofc of Research & Analysis Soviet Affrs.
Bureau of Administration	Assistant Inspector General for Audits.
Bureau of Economic & Business Affairs	Asst Inspector General for Investigations.
Bureau of Intelligence and Research	Counsel to the Inspector General.
Office of the Inspector General	Dep Asst Inspector General for Audits. Dep Asst Inspector Gen for Investigations. Asst Insp Gen for Policy, Plng and Management. Dep Asst Inspector Gen for Inspections. Dep Asst Insp Gen for Ofc of Secur Oversight. Supervisory Civil Engineer. Supervisory Civil Engineer, Operations.
International Boundary & Water Commission	Asst Insp General for Auditing. Asst I/G for Policy, Planning and Resources. Asst Inspector General for Investigations. Dir Ofc of Surface Transportation Programs. Dir, Ofc of Aviation Marine & Research Progs.
Department of Transportation:	Dep Asst Inspector General for Auditing.
Office of Inspector General	Dir, Office of ADP Audits & Technical Support.
Asst Sec for Public Affairs	Dir, Office of Public Information.
Asst Sec for Administration	Asst Secy for Administration.
Office of Acquisition & Grant Management	Senior Procurement Advisor.
Assoc Adm'r for Safety	Director Ofc of Acquisition & Grant Mgmt.
Ofc of Pipeline Safety	Assoc Admr for Safety. Dir, Office of Research and Development. Director, Office of Safety Enforcement. Dir, Ofc of Pipeline Safety.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Ofc of Assoc Admr for Marketing & Domestic Enterprise..... Office of Assoc Admr for Shipbuilding Opers & Research.....	Associate Administrator for Marketing. Dep Dir, Ofc of Ship Construction. Dir, Ofc of Ship Construction.
Office of Associate Administrator for Maritime Aids..... Office of Science and Advanced Technology..... Associate Administrator for Aviation Safety	Associate Administrator for Maritime Aids. Manager Science and Technology Division. Associate Administrator for Aviation Safety. Dep Assoc Administrator for Aviation Safety.
Office of Accounting..... Acquisition and Materiel Service.....	Dir Office of Accounting. Dir Acquisition & Materiel Service. Deputy Dir Acquisition & Materiel Service. Mgr, Contracts Division.
Associate Administrator for Aviation Stds.....	Assoc Administrator for Aviation Standards. Deputy Assoc Administrator, Aviation Standards. Manager, Civil Aviation Security Division.
Office of Accident Investigation..... Office of Aviation Medicine.....	Dir, Office of Accident Investigation. Deputy, Federal Air Surgeon. Mgr, Medical Specialties Division. Mgr, Civil Aeromed Institute.
Office of Civil Aviation Security	Director, Office of Civil Aviation Security. Dep Dir, Office of Civil Aviation Security.
Aviation Standards Natl Field Office (Oklahoma)	Dir, Aviation Standards Natl Field Ofc. Deputy Director.
Associate Administrator Regulation & Certification	Assoc Admr for Regulation & Certification. Dep Assoc Admr for Regulation & Certification.
Aircraft Certification Service	Director, Office of Airworthiness. Asst Dir, Aircraft Certification Service. Manager, Aircraft Engineering Division. Deputy Director, Aircraft Certification Servc. Manager, Aircraft Manufacturing Division.
Regional Aircraft Certification Divisions	Mgr, Aircraft Certification Division. Mgr, Aircraft Certification Division. Mgr, Aircraft Certification Division. Manager Rotorcraft Directorate.
Flight Standards Service.....	Dir, Flight Standards Service. Dep Dir, Flight Standards Service. Mgr, General Aviation and Commercial Div. Manager, Air Transportation Division. Manager Aircraft Maintenance Division. Manager General Aviation Staff. Manager Field Program Division. Asst Director for Special Programs.
Regional Flight Standards Division.....	Mgr, Flight Standards Div. Mgr, Flight Standards Division. Mgr, Flight Standards Div. Manager, Flight Standards Division. Mgr, Flight Standards Div. Mgr, Flight Standards Div. Mgr, Flight Standards Division. Mgr, Flight Standards Div. Manager, Flight Standards Service.
Office of Program and Resource Management	Dir, Office of Program & Resource Management.
Office of Airport Planning and Programming.....	Dir, Office of Airport Planning & Program. Mgr, Grants-In-Aid Division.
Assoc Administrator for NAS Development.....	Dir, Office of Advanced Sys Acquisition.
Automation Service.....	Director, Automation Service. Dep Dir, Automation Service. Mgr, Automation Engineering Division. Mgr, Advanced Automation System Div.
Executive Director for System Operations.....	Dep Dir, Advanced System Acquisition Service.
Assoc Admin for Air Traffic.....	Assoc. Administrator for Air Traffic. Dep Assoc Admin for Air Traffic.
Air Traffic Operations Service	Manager, Procedures Division. Mgr, Airspace—Rules & Aeronautical Inf. Div. Manager, Operations Division.
Air Traffic Plans and Requirements Service.....	Dir Air Traffic Operations Service. Manager, System Plans & Program Div.
Office of Air Traffic Evaluations and Analysis	Dir, Air Traffic Plans & Requirements Serv. Manager, Automation Software Division.
Regional Air Traffic Division Managers	Dir, Ofc of Air Traffic Evaluations & Anal. Mgr, Air Traffic Division. Mgr, Air Traffic Division. Mgr, Air Traffic Div. Manager, Air Traffic Division. Mgr, Air Traffic Division. Mgr, Air Traffic Division. Manager, Air Traffic Division. Manager, Air Traffic Division.
Federal Highway Administration.....	Executive Director.
Assoc Admr For Admin	Director, Office of Fiscal Services. Director, Office of Contracts and Procurement.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Associate Administrator for Safety & Operations.....	Assoc Administrator for Safety & Operations.
Office of Highway Safety.....	Dir, Office of Highway Safety.
Assoc Admr for Right of Way and Environment.....	Assoc Admr for Right-of-Way & Environment.
Off of Environmental Policy.....	Dir, Ofc of Environmental Policy.
	Chief Environmental Operations Division.
Off of Right of Way.....	Dir, Ofc of Right of Way.
	Chief, Operations Division.
Office of Motor Carrier Standards.....	Dir, Office of Motor Carrier Standards.
Office of Motor Carrier Safety Field Operations.....	Dir, Ofc of Motor Carrier S/F Operations.
Natl Center for Statistics and Analysis.....	Chf, Accident Investigation Div.
Assoc Admr for Enforcement.....	Assoc. Administrator for Enforcement.
Ofc of Defects Investigation.....	Dir, Ofc of Defects Investigation.
Ofc of Vehicle Safety Comp.....	Dir, Ofc of Vehicle Safety Compliance.
Ofc of Vehicle Safety Standards.....	Chf, Crash Avoidance Division.
	Chf, Crashworthiness Division.
US Coast Guard.....	Chief, Procurement Management Division.
Department of the Treasury:	
Ofc of the Secretary.....	Senior National Intelligence Adviser.
Ofc of the Inspector General.....	Asst Inspector General (Fiscal SVC/ADP).
	Asst Inspector General for Audit (DOTOCC).
	Asst Inspector General for Investigations.
	Senior Advisor (Economics).
Ofc of Tax Analysis.....	Dep Dir (Economic Mod & Computer Applicat).
	Asst Dir for Economic Forecasting.
Ofc of Asst Secy (Economic Policy).....	Senior Adv for Bal of Payments Anal & Proj.
	Sr Economist.
Ofc of the Fiscal Asst Secy.....	Fiscal Assistant Secretary.
Financial Management Service.....	Assistant Fiscal Assistant Secretary.
	Commr of Financial Management Service.
	Dep Com Financial Management Service.
	Dir, Regional Financial Center (Chicago).
	Assistant Commissioner, Information Systems.
	Asst Commissioner Federal Finance.
	Assistant Commissioner, Comptroller.
	Asst Commissioner Headquarters Operations.
	Asst Commissioner Field Operations.
	Director Operations Group.
	Director, Accounting Group.
	Asst Commissioner Administration.
	Director, Systems Development Group.
	Dir, Technology & Information Group.
	Director, Working Capital Group.
Bureau of Public Debt.....	Commissioner.
	Dep Commr of the Public Debt.
	Asst Commissioner (Savings Bond Operations).
	Asst Commr (Financing).
	Asst Commr (Administration).
	Government Securities Act Program Director.
	Asst Commr/Securities & Accounting Services.
	Asst Commissioner (Automated Info Systems).
	Asst Commissioner (Public Debt Accounting).
Ofc of Foreign Exchange Operations.....	Dir Ofc of Foreign Exchange Operations
Director, Litigation.....	Dir, Litigation Div.
Director, Enforcement & Compliance.....	Dir, Enforcement & Compliance.
Director, Legal Advisory Services.....	Dir Legal Advisory Services Division.
Sr Dep Comptroller for Administration.....	Senior Deputy Comptroller for Administration.
Dep Comptroller (Resource Management).....	Deputy Comptroller for Resource Management.
Dep Comptroller (Sys & Fin Management).....	Deputy Comptroller for Sys & Fin Management.
Dep Comptroller (Bank Org & Structure).....	Dep Comptroller, Bank Org & Structure.
Dep Comptroller (Econ Anal & Strat Plan).....	Dep Comptroller for Econ Anal & Strat Plan.
Sr Dep Comptroller for Bank Supervision (Policy).....	Sr Dep Comptroller for Bank Super (Policy).
Dep Comptroller (International Banking & Finance).....	Dep Comptroller for Intl Banking & Finance.
Dep Comptroller (Supervisory Systems).....	Deputy Comptroller for Supervisory Systems.
Dep Comptroller (Special Supervision).....	Dir for Spec Projects.
	Deputy Comptroller, Special Supervision.
Chief National Bank Examiner.....	Chief National Bank Examiner.
Dep Comptroller (Compliance).....	Deputy Comptroller for Compliance.
Sr Dep Comptroller for Bank Supervision (Operations).....	Sr Dep Comptroller for Bank Super (Ops).
Dep Comptroller (Multinational Banking).....	Deputy Comptroller for Multinational Banking.
Dep Comptroller (W District).....	Deputy Comptroller (Western District).
	District Administrator (Western District).
Dep Comptroller (SW District).....	Deputy Comptroller (Southwestern District).
	District Administrator (Southwestern Dist).
Dep Comptroller (MW District).....	Deputy Comptroller (Midwestern District).
	District Administrator (Midwestern District).
Dep Comptroller (C District).....	Deputy Comptroller (Central District).
	District Administrator (Central District).
Dep Comptroller (SE District).....	Deputy Comptroller (Southeastern District).
	District Administrator (Southeastern Dist).
Dep Comptroller (NE District).....	Deputy Comptroller (Northeastern District).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Ofc of Asst Secy Management	District Administrator (Northeastern District). Dir, Management Programs Directorate.
Bur of Alcohol, Tobacco, Firearms	Director, Office of Procurement. Assistant Director Internal Affairs.
Deputy Director (Compliance Operations)	Midwest Regl Counsel. Asst Dir, Congressional and Media Affairs. North-Atlantic Regional Counsel. Staff Assistant to the Chief Counsel.
Deputy Director (Law Enforcement)	Deputy Director (Compliance Operations). Dep Associate Dir (Compliance Operations). Chief, Revenue Programs Division.
Comptroller	Deputy Director (Law Enforcement). Chief, Explosives Division.
US Customs Service	Deputy Assoc Dir (Law Enforcement). Chief, Firearms Division.
Ofc of the Chief Counsel	Director, Laboratory Services. Exec Dir the Interdiction Committee. Asst Chief Counsel (Customs Court Litigat).
Office of the Comptroller	Miami Regl Counsel. Chicago Regl Counsel. New York Regl Counsel. Regional Counsel (Pacific Region).
Ofc of Asst Commr for Internal Affairs	Dir Ofc of Financial Mgmt & Prog Analysis. Director Office of Data Systems. Comptroller.
Ofc of Asst Commr for Enforcement	Dir Budget and Planning. Dir Ofc of Human Resources.
Ofc of Asst Commr for Inspection & Control	Asst Commissioner for Internal Affairs. Deputy Assistant Commissioner (Enforcement). Dep Asst Commissioner, Aviation Operations.
Ofc of Asst Commr for Commercial Operations	Asst Commr (Inspection & Control). Deputy Asst Commr (Inspection & Control). Dir Ofc of Regulations and Rulings.
Regional Officer	Director, Entry Procedures & Penalties Div. Dir, Office of Technical Services. Dir, Ofc of Trade Operations. Dep, Asst Commissioner Commercial Operations. Dir, Commercial Rulings Division. Dir, Ofc of Automated Commercial Syst Ops.
	Regl Commr, Reg. 2 NY. Reg Commr, Reg 1, Boston. Asst Regn Commr Operations, Reg 2, New York. Regl Commr, Reg 4, Miami.
	Reg Commr, Reg V, New Orleans. Reg Commr of Customs, Reg VI. Regional Commissioner, Chicago.
	Asst Regional Commr (Operations). Asst Regl Commr (Operations). Asst Regl Commr (Operations).
	Asst Regl Commr (Operations). Asst Regl Commr (Operations). Area Dir, Newark.
	Asst Regional Commissioner, L.A. (Enforcement). Asst Regional Commissioner Enforcement. Area Director, JFK Airport.
	Area Director, New York Seaport. Asst Regl Commr—Houston (Enforcement). Asst Regl Commr—Miami (Enforcement).
US Secret Service	Regional Commissioner. District Director, Los Angeles. Assistant Regl Commissioner (Enforcement). Asst Regl Commr (Enforcement).
Ofc of Administration	Asst Regional Commissioner (Enforcement). Director of the Secret Service. Deputy Director, U.S. Secret Service.
Ofc of Inspection	Assistant Director—Training. Asst Director—Govt Liaison and Public Aff.
Ofc of Protective Research	Assistant Director, Administration. Assistant Director, Inspection. Asst Dir (Protective Research).
Ofc of Protective Operations	Dep. Asst. Dir. (Protective Research). Spec Agent in Charge-Tech Sec Div. Spec Agent in Charge-Intelligence Div.
	Chf, Info Resources Management Division. Asst Dir (Protective Operations). Dep. Asst Dir (Protective Operations).
	Spec Agent in Charge-Presidential Protective. Dad Protective Opers (Uniformed Div). Spec Agent in Charge, VP, Protect Div.
	Deputy Asst Dir Protective Operations.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Office of Investigations	Spec Agent in Charge Dignitary Protective Div. Deputy Special Agent in Charge Pres Prot Div. Deputy Special Agent in Charge. Asst Director, Investigations. Dep Asst Dir, Investigations. Special Agent in Charge, New York Office. Special Agent in Charge, Chicago. Special Agent in Charge, Los Angeles Office. Spec Agent in Charge—Washington Field Office. Spec Agent in Charge—Philadelphia Field Office. Deputy Director, Office of Investigations. Spec Agent in Charge—Miami Field Office. Special Agent in Charge—Boston Field Office. Spec Agent in Charge—Atlanta Field Office.
Bureau of the Mint	Associate Director of Operations. Assoc Dir of Pol & Management. Associate Director for Marketing.
Offc of the Commissioner	Director, Legislative Analysis Division. Asst to the Commissioner (Equal Opportunity). Senior Deputy Commissioner. Taxpayer Ombudsman. Deputy Commissioner (Operations). Deputy Commissioner (Planning & Resources). Asst to the Commissioner (Quality). Chief Information Officer.
Appeals Division	Assistant to the Senior Deputy Commissioner. Regl. Dir. of Appeals—Central Region. Reg Dir of Appeals, Mid-Atlantic Region. Reg. Dir. of Appeals—Southwest Reg. Regional Dir. of Appeals, North Atlantic Region. Regl. Dir. of Appeals, Midwest Reg. Regional Director of Appeals—Western Region. Chief Appeals Office, New York City. National Director of Appeals. Deputy National Dir of Appeals.
Data Processing	Director, Taxpayer Service Division. Dir, Returns Processing and Accounting Div. Director, Planning and Control Staff. Dep Asst Commissioner (Computer Services). Director, Statistics of Income Division. Assistant Commissioner (Tax System Redesign). Dep. Asst Commr (Returns & Info Processing). Director, Compliance Processing System Div. Director, Systems Integration Division. Assistant Dir, Taxpayer Service Division. Asst Commissioner (R & IP). Dir, Taxpayer Service Division. Director, Hardware Division. Director, Software Division.
Ofc of Asst Commr:R, Inspection	Asst Commr (Computer Services). Assistant Commissioner (Inspection). Dep Asst Commr (Inspection). Director, Internal Audit Div. Assistant Director, Internal Audit Division. Director, Internal Security Division. Asst Dir, Internal Security Division. Regional Inspector, Midwest Reg. Regional Inspector, North Atlantic. Regional Inspector, Western Region. Regional Inspector, Southwest Reg. Regional Inspector, Mid-Atlantic Reg. Regional Inspector, Central. Regional Inspector, Southeast.
Policy and Management	Dir, Tax Forms & Publications Div. Dir, Martinsburg Computing Center. Dir, IRS Data Center Detroit. Dir, Finance Division. Dir, Facilities Mgt Div. Dir, Natl Ofc Resources Management Division. Asst Commr (Planning, Finance & Research). Dir, Systems Management & Oper Services Div. Dir, Natl Ofc Resources Mgmt Division. Dep Asst Commr (Planning, Finance & Resch). Dir, Facilities & Info Mgmt Support Division. Asst Dir, Research. Director, Planning and Analysis Division. A/C (Planning & Research). Dep Asst Commr (Human Resources).

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Central Region.....	Director, Planning Division. Dir, Telecommunications Division. Director, Human Resources Division. Dir, Contracts & Acquisitions Division. Asst Commissioner (Finance)/Controller. Assistant Dir, Tax Forms & Publications Div. Dep Comr (Planng & Res)/CHF Financial Officer. Assistant Commissioner (Human Resources). Regional Commr. ARC (Examination) Central Region. Asst Regional Commissioner (Criminal Investi). Asst Reg Comm (Resource Management). Assistant Regional Commissioner (Collection). Asst Regl Commissioner (Data Processing). Dir Service Ctr Cincinnati. District Dir (Cleveland). District Director Detroit. District Director (Parkersburg). District Director, Indianapolis. District Director, Louisville. District Dir, Cincinnati. Asst District Director, Cleveland. Assistant District Director Detroit. Asst Service Center Director Reg Commissioner
Mid-Atlantic Region.....	ARC (Examination) Mid-Atlantic. ARC (Criminal Investigation) Mid-Atlantic Reg. Asst Reg Commr (Collection). Assistant Regional Commissioner (Data Proc). Service Center Dir, Philadelphia. District Dir, Newark. District Dir, Pittsburgh. District Director Richmond District. Asst District Dir, Philadelphia. Asst District Director (Newark). Assistant District Director—Baltimore, MD. District Director, Wilmington. District Dir, Baltimore. District Director. Assist Reg'l Commissioner (Resources Mgmt). Assistant Service Center Director. Regional Commr, Midwest Region. Asst Reg Commr (Resources Mgmt). ARC (Criminal Investigation) Midwest Region. Assistant Regional Commissioner (Data Proc). ARC (Examination), Midwest Region. ARC (Collection) Midwest Region. Svc Ctr Dir, Kansas City. District Dir, Chicago. District Director St Louis. District Dir, St Paul. District Dir, Omaha. District Dir, Springfield. District Dir, Milwaukee. Asst District Dir, Chicago. Asst District Dir, St Louis. District Director, Fargo. District Director, Aberdeen. Spec Asst to the Regional Commissioner. District Director, Helena. District Director. Assistant Service Center Director. Reg Commr.
Midwest Region.....	Asst Reg Commr (Exam) North Atlantic Reg. ARC (Criminal Investigation). ARC (Resources Mgmt). ARC (Collection) North Atlantic Region. Assistant Regional Commissioner (Data Proc). Service Center Director, Andover, Mass. Svc Ctr Dir, Brookhaven. District Dir, Manhattan. District Dir, Brooklyn. District Dir Boston. Chief Examination Div Manhattan. District Dir, Albany. Dist Dir (Hartford). District Dir, Buffalo. Asst Dist Dir, Brooklyn. Assistant District Director Manhattan. Asst District Dir, Boston.
North Atlantic Region.....	Asst Reg Commr (Exam) North Atlantic Reg. ARC (Criminal Investigation). ARC (Resources Mgmt). ARC (Collection) North Atlantic Region. Assistant Regional Commissioner (Data Proc). Service Center Director, Andover, Mass. Svc Ctr Dir, Brookhaven. District Dir, Manhattan. District Dir, Brooklyn. District Dir Boston. Chief Examination Div Manhattan. District Dir, Albany. Dist Dir (Hartford). District Dir, Buffalo. Asst Dist Dir, Brooklyn. Assistant District Director Manhattan. Asst District Dir, Boston.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Southeast Region.....	District Director Providence. District Director, Portsmouth. District Director, Burlington. Chief, Appeals Office, Long Island. Asst Service Center Director. Reg Commr. ARC (Examination) Southeast Region. Asst Reg Commissioner—Criminal Investigation. Asst Reg'l Commr (Resources Management). Asst Reg (Collection) SE Reg Atlanta. Assistant Regional Commissioner (Data Proc). Service Center Director, Memphis. Srv Ctr Dir, Atlanta. District Dir, Jacksonville. District Dir, Atlanta. District Director Greensboro. District Dir, Nashville. District Director, Birmingham. District Dir, New Orleans. District Director, Columbia. District Director Little Rock District. District Director, Jackson, Miss. Asst District Director, Jacksonville. Assistant District Director, Atlanta. Regional Director of Appeals. Assistant District Director. District Director. Assistant Service Center Director. Regional Commr.
Southwest Region.....	Asst Reg'l Commr (Examination). ARC (Criminal Investigation) SW Region. ARC (Resources Mgmt). Assistant Regional Commissioner (Collection). Assistant Regional Commissioner (Data Proc). Service Center Dir, Ogden. Service Center Director, Austin. District Dir, Austin. District Director, Dallas. District Director Wichita. District Director Oklahoma City. District Dir, Phoenix. District Dir, Denver. Assistant District Director Dallas. District Director, Albuquerque. District Director, Cheyenne. District Director, Salt Lake City. Assistant Service Center Director. Asst District Director. Assistant District Director, Houston. District Director, Houston. Reg Commr.
Western Region.....	ARC (Criminal Investigation). Assistant Regional Commissioner (Data Proc). Asst Regional Commissioner (Examination). Asst Reg'l Commr (Collection). Asst Reg'l Commr/(Resources Management). Service Center Director, Fresno. District Dir, Los Angeles. District Dir, San Francisco. District Director Portland District. District Dir, Seattle. Asst District Dir, Los Angeles. Asst Dist Dir San Francisco. District Director, Honolulu. District Director Anchorage. District Director Boise. District Director (Sacramento). District Director (Las Vegas). District Director, San Jose. Spec Asst to the Regional Commissioner. Assistant District Director, Laguna Niguel. Asst Service Center Director. District Director, Laguna Niguel.
Operations.....	Asst Comm'r (Employee Plans & Exemp & Organiza. Special Asst for Exempt Organization Matters. Assistant Commissioner (Taxpayer Services). Assistant Commissioner (Examination). Asst Commr (Criminal Investigation). Dir Exempt Organizations Technical Division. D/Employee Plans Tech & Actuarial Division.

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Ofc of Chf Counsel	Deputy Assistant Commissioner (Examination). Dep Asst Commr (Criminal Investigation). Asst/Dir Employee Plans Techn & Actuarial Div. Deputy Asst Commr Tax System Redesign. D/A Commissioner (Employee Plans & Exempt Orgs). Dep Asst Commr (Collection). Assistant Commissioner (Collection). Assistant Commissioner (International). Deputy Asst Commissioner (International). Associate Chief Counsel (Litigation). Deputy Associate Chief Counsel (Technical). Asst Dir, Individual Tax Division. Asst Chief Counsel (General Litigation). Asst Chief Counsel (Tax Litigation). Asst Chief Counsel (Criminal Tax). Asst Chief Counsel (General Legal Services). Asst Chief Counsel (Disclosure Litigation). Deputy Asst Chief Counsel (Tax Litigation). Assistant Chief Counsel (Corporate). Dep Asst Chf Coun (Income Tax & Accounting). Dep Asst Chf Coun (Passthroughs/Spec Indust). Dep Asst Chf Coun (Passthroughs/Spec Indust). Spec Asst To the Assoc Chief Counsel (Tech). Asst to the Assoc Chf Coun (Fin & Mgmt). Asst Chf Coun (Passthroughs/Spec Industries). Deputy Asst Chief Counsel (Corporate). Dep Assoc Chief Counsel (Fin & Management). Special Appellate Counsel. Asst Chf Coun (Empl Benefits/Exempt Orgs). Sen Tech Adv to the Assoc Chf Counsel (Tech). Dep Asst Chief Coun (Financial Inst & Prod). Dep Assoc Chief Counsel International. Asst Chf Coun (Fin Institutions & Products). Dep Asst Chief Coun (Income Tax & Accounting). Asst Chief Counsel (Income Tax & Accounting). Special Litigation Counsel. Deputy Associate Chief Counsel (Litigation). Deputy Chief Counsel.
Regional Counsels	Associate Chief Counsel (International). Assoc Chf Counsel (Finance & Management). Associate Chief Counsel (Technical). Regl Counsel, Central Reg. Regional Counsel, Mid-Atlantic Region. Dep Regl Counsel (Criminal Tax). Regl Counsel Midwest Region. Regl Counsel, North Atlantic Region. Dep Regl Coun (Tax Litigat) NO-Atlantic Reg. Deputy Regional Counsel (General Litigation). Regional Counsel SE Region. Regl Counsel Southwest Region. Regional Counsel. District Counsel—Boston. District Counsel—Los Angeles. District Counsel Cincinnati. District Counsel—Philadelphia. District Counsel—Newark. District Counsel, Chicago. District Counsel, Manhattan. District Counsel—Dallas. District Counsel—San Francisco. Dep Regional Counsel (Tax Litigation). Dep Regional Counsel (Tax Litigation). Regional Director of Appeals. District Counsel, Washington, DC. Deputy Regional Counsel (Tax Litigation). District Counsel Miami. District Counsel, Brooklyn, New York. District Counsel, Washington, DC. District Counsel, Houston, Texas. District Counsel, Denver.
US Arms Control and Disarmament Agency: Verification and Intelligence Bureau	Chief, Verification Division Ver & Intell Bur. Chief, Operations Analysis Division. Administrative Director. Chief, Defense & Space Division. Chief, Theater Affairs Division—A966. Chief, Strategic Affairs Division A-977. Chief Scientist. Chief, Def Prog & Analysis Div. Chf, Nuclear Safeguards & Technology Div.
Ofc of Administration	
Strategic Programs Bureau	
Theatre Affairs Division	
Strategic Affairs Division	
Nuclear and Weapons Control Bureau	

POSITIONS THAT WERE CAREER RESERVED DURING CALENDAR YEAR 1989—Continued

Agency, organization	Career reserved positions
Multilateral Affairs Bureau..... United States Information Agency: Ofc of the Director	Chf, International Nuclear Affairs Divisions. Chief Sci & Technological Division.
Bureau of Management.....	Assistant Inspector General for Audits. Assistant Inspector General for Inspections. Director, Office of Personnel. Director, Office of the Comptroller, Dir Off Security. Dir Ofc of Contracts. Dep Director, Office of Administration. Director, Office of Technology. Dir Engineering and Technical Operations. Deputy of Systems Engineering. Chief Broadcast Systems Engineering Division. Deputy for Projects Management. Deputy for Operations. Deputy General Counsel.
Voice of America.....	
Ofc of the Gen Counsel & Cong Liaison	
U S International Trade Commission:	
Office of Industries.....	Dir Ofc of Industries.
Office of Investigations.....	Dir, Ofc of Investigations.
Department of Veterans Affairs:	
Office of the Inspector General.....	Dep Inspector General. Assistant Inspector General for Auditing. Asst Inspector General for Investigation. Asst Insp Gen for Policy, Plan & Resources. Dep Asst for Inspec General for Hdqtrs Audits. Dep Asst Inspec General for Regional Audits. Dep Asst I/G for Policy, Planning & Resources. Dep Asst Inspector General for Investigations.
Board of Veterans Appeals.....	Chairman. Vice Chairman. Deputy Vice Chairman. Deputy Vice Chairman.
Ofc of Info Resources Plans & Policies.....	Dir, Syst Pinng, Pol & Acquisiton Control.
Office of Information Resources Operations.....	Das for Info Res Plans & Policies. Director for Telecommunications. Director for Customer Support. Director for Operations Management. Director DPC Austin.
Data Processing Center (DPC) Directors.....	
Office of Personnel and Labor Relations.....	Assoc Dir for Personnel Policy.
Office of Facilities	Assoc Dir for Personnel Operations. Northeastern Area Project Manager. Southern Area Project Manager. Central Area Project Manager. Western Area Project Manager. Dir, Office of Project Management. Director Ofc of Architecture & Engineering. Dep Dir, Ofc of Architecture & Engineering. Dir, Office of Real Property Management. Dep Asst Sec for Acquisition & Materiel Mgmt. Dep Dir Ofc of Acquisition & Materiel Mgmt. Assoc Dep Assistant Secy for Acquisitions. Associate Dep Asst Secy for Depots. Assoc Dep Asst Secy for Resources. Associate Deputy Asst Secretary for Materiel.
Veterans Benefits Administration.....	Director Budget Staff. Dep Dir Compensation & Pension Service. Dep Dir Loan Guaranty Svc. Dir Info Management & Tech Assessment Service. Dep Dir. Mental Health & Behavioral Sciences.
Veterans Health Services and Research Administration.....	Dir Canteen Service. Dir, Resources Management Ofc. Deputy Director, Resource Management Office.
Executives Pending Placement Action.....	Dir, Security Service. Dir, Office of Information Mgmt & Statistics.

[FR Doc. 90-4827 Filed 3-2-90; 8:45 am]

BILLING CODE 6325-01-M

OFFICE OF UNITED STATES TRADE REPRESENTATIVE

[Docket No. 301-70]

Termination of Section 302 Investigation: Restrictions Maintained by the European Community on the Export of Copper Scrap and Copper Alloy Scrap**AGENCY:** Office of the United States Trade Representative.**ACTION:** Notice of termination of investigation under section 302 of the Trade Act of 1974, as amended.**SUMMARY:** The United States Trade Representative (USTR) has decided to terminate an investigation initiated under section 302 of the Trade Act of 1974 as amended (Trade Act) with respect to restrictions maintained by the European Community (EC) on the export of copper scrap and copper alloy scrap, having reached a satisfactory resolution of the issues under investigation.**DATES:** This investigation was terminated effective February 26, 1990.**FOR FURTHER INFORMATION CONTACT:**

Richard Steinberg, Assistant General Counsel, Office of the United States Trade Representative, 600 17th Street, NW, Washington, DC 20506, (202) 395-7305.

SUPPLEMENTARY INFORMATION: On November 14, 1988, the Copper and Brass Fabricators Council, Inc., filed a petition under section 302 of the Trade Act, regarding restrictions maintained by Brazil and the EC, and separate restrictions maintained by the United Kingdom (UK), on the export of copper scrap, copper alloy scrap, and zinc scrap. The petitioner subsequently withdrew the petition with regard to Brazil and zinc scrap. The petitioner asserted that export restrictions maintained by the EC and the UK contravene obligations under the General Agreement on Tariffs and Trade (GATT), and depress the price of EC scrap and elevate the price of non-EC scrap, thereby providing a material cost advantage to EC brass fabricators.

On December 29, 1988, the USTR initiated an investigation and held a public hearing on January 27, 1989 (54 FR 338). At the hearing the USTR representative announced that USTR would not proceed separately against the UK, since the UK had represented that its restrictions were not being

maintained independently of the EC restrictions.

Consultations with the EC under GATT Article XXIII:1 were held on April 26, 1989, and a dispute settlement panel was established by the GATT Council on July 19, 1989. The first panel meeting was held in November 1989, during which the U.S. representative alleged that: (1) The EC quotas, and associated Member State systems of licensing, violated the express terms of Article XI of the GATT which generally prohibit export quotas or other export restrictions; (2) no exceptions to the relevant Article XI provision applied in this case; and, (3) the Article XI violation automatically created a rebuttable presumption of nullification or impairment of U.S. benefits under the GATT.

Following the first panel meeting, representatives of the United States and the EC resumed consultations aimed at reaching a mutually satisfactory solution of the matter. In a trade agreement reached between the United States and the EC through an exchange of letters, dated January 18, 1990, the EC agreed not to reimpose the export restrictions in 1990. The EC conceded that the present situation in the market for copper scrap and waste does not necessitate or justify a renewal of quotas. Moreover, the EC stated that it does not expect fundamental changes in the market for copper scrap and waste in the foreseeable future that would necessitate or justify the reintroduction of export restrictions on copper scrap and waste or the imposition of a system of licensing that would have a restrictive effect on international trade.

On the basis of this trade agreement with the EC, the United States withdrew its complaint from the GATT dispute settlement panel. The petitioner expressed satisfaction with this resolution, and on February 26, 1990, withdrew its petition filed under section 302 of the Trade Act. The USTR will monitor EC compliance with this trade agreement and if, on the basis of this monitoring, the USTR considers that the EC is not satisfactorily implementing the agreement, the USTR shall determine what further action to take.

A. Jane Bradley,*Chairman, Section 301 Committee.*

[FR Doc. 90-4902 Filed 3-2-90; 8:45 am]

BILLING CODE 3190-010-M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-27734; File No. SR-CSE-90-04]

Self-Regulatory Organizations; Proposed Rule Change by Cincinnati Stock Exchange Relating to the Listing and Delisting of Exchange Issues

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on February 12, 1990, the Cincinnati Stock Exchange ("CSE" or "Exchange") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II and III below, which Items have been prepared by the self-regulatory organization. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CSE proposes to amend Exchange Article IV, sections 1 and 3, in connection with its listing and delisting standards.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the self-regulatory organization included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below and is set forth in sections A, B and C below.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

The proposed rule change is the result of a recent comparative study by the CSE of the listing and delisting standards of the various exchanges and the National Association of Securities Dealers. As a result of the study findings, the Board of Trustees of the CSE determined that it was necessary to increase the Exchange's listing standards to levels comparable with other exchanges, as well as codify various listing and delisting policies not presently included in the Exchange's By-Laws.

Article IV, § 1.3(1), *Listing of Securities*, which sets forth the quantitative standards for listing common stock on the Exchange, currently requires that an issuer have: (1) Net tangible assets of at least \$750,000, (2) at least 75 recordholders of the issue for which trading privileges have been granted or are requested, and (3) at least 45,000 shares or \$1 million principal amount outstanding of the issue for which trading privileges have been granted or are requested. The CSE is proposing to increase these quantitative standards as follows: The net tangible assets requirement will be increased from \$750,000 to \$2,000,000, the required number of recordholders will be increased from 75 to 1,000, and the number of outstanding shares an issuer must have will be increased from 45,000 to 250,000.¹

Under § 1.3, the Exchange is proposing a new subsection (1)(d)² which will require that an issuer have demonstrated net earnings of \$200,000 annually before taxes, excluding non-recurring income, for the two years prior to its application for listing. The Exchange is also proposing a new § 1.3(1)(e), which will require that an issuer have been actively engaged in business and have been so operating for at least three consecutive years in order to list a security on the Exchange.

The Exchange also proposes to add new §§ 1.3 (2), (3), and (4) under Article IV to codify requirements for the listing of preferred issues, warrants, and bonds. Proposed § 1.3(2) will require that for preferred stock to be listed on the Exchange, the issuer must have at least 500 recordholders of the issue and at least 200,000 shares outstanding.³ Proposed § 1.3(3) will require that for the listing of warrants, an issuer must have 250,000 warrants outstanding and

250 warrants holders of record.⁴ Finally, proposed § 1.3(4) will set forth the listing standards for bonds: An issuer will be required to have a principal amount outstanding of at least \$2,000,000, an aggregate market value of at least \$2,000,000, and at least 250 holders of record.⁵ For preferred issues, bonds, and warrants, the Exchange also requires that an issuer have a class of common stock that would otherwise be eligible for listing on the Exchange or that already is listed on the Exchange.

Under § 1.3, the Exchange is also adding a requirement, entitled *Minimum Requirements*, which gives the Exchange Listing Committee ("Committee") the discretion to weigh each of the quantitative listing standards separately and judge the qualifications of each applicant on its own merits. The Committee may also consider other factors which, in its judgment, it determines necessary for the protection of investors and the public interest. Finally, in order to exempt three issues presently listed on the Exchange that are affected by the new requirement, the Exchange intends to apply the new listing standards to all listing applications submitted after January 1, 1990.

The CSE also proposes revisions to Article IV, section 3, entitled *Delisting*, to codify the factors to be considered by the Committee when suspending or delisting an issue previously admitted to trading on the Exchange.⁶ First, the Exchange proposes to add § 3.1(a) which will empower the Exchange's Board of Trustees with the discretion to suspend dealings in any issue admitted to trading on the Exchange.⁷ Second, the Exchange

proposes to add a new subsection 3.1(c) which will provide for the suspension or delisting of an issue when it fails to meet the quantitative listing standards for the particular issue, as well as the qualitative standards that allow the Committee to take action for the protection of investors and the public interest.⁸ In addition, under the proposal, the Exchange gives the Board of Trustees the discretion to determine that the suspension of trading or delisting of an issue is necessary for the protection of investors and the public interest.

The proposed rule change is consistent with the provisions of section 6(b)(5) of the Act which requires that an Exchange have rules designed to prevent fraudulent and manipulative acts and practices, and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

On or before April 9, 1990, or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding, or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institutes proceedings to determine whether the proposed rule change should be disapproved.

the Board of Trustees' power to delist securities will be moved to § 3.1(b).

* New § 3.1(c) will provide that: The securities of an issuer will be subject to suspension and/or withdrawal from listing and registration as a listed issue if any of the following conditions are found to exist:

(1) Failure to comply with the listing standards and agreements.

(2) Sustained loss so that financial condition becomes so impaired that it is questionable to the Exchange whether the company can continue operations and/or meet its obligations as they mature.

¹ In determining the number of outstanding shares, the Exchange is adding a new requirement that the outstanding share requirement must be satisfied exclusive of the holdings of officers and directors. The Exchange is also deleting the reference to a \$1 million principal amount of the issue currently in this section.

² The subsections under § 1.3 are currently numbered (1) through (3). Under the new proposal, they will be renumbered and new subsections added.

³ New § 1.3(2)(a) will provide that an issuer meet the following requirements to list preferred stock on the Exchange:

(a) In the case of preferred stock, at least 500 recordholders of the issue for which trading privileges have been granted or are requested;

(b) have at least 200,000 shares for which trading privileges have been granted or are registered exclusive of the holdings of officers and directors;

(c) have a class of common stock that would otherwise be eligible for listing on the Exchange or is already listed on the Exchange.

⁴ § 1.3(3) will set forth the requirements for the listing of warrants:

(a) In the case of warrants, at least 250,000 outstanding, exclusive of the holdings of officers and directors;

(b) have at least 250 warrant holders;

(c) have a class of common stock that would otherwise be eligible for listing on the Exchange or is already listed on the Exchange.

⁵ § 1.3(4) will set forth the requirements for the listing of bonds:

(a) In the case of bonds, a principal amount outstanding of at least \$2,000,000;

(b) have at least an aggregate market value of at least \$2,000,000;

(c) have at least 250 recordholders and, in the case of convertible debt, a larger distribution may be required;

(d) have a class of common stock that would otherwise be eligible for listing on the Exchange or is already listed on the Exchange.

⁶ The Exchange proposes to rename Section 3, currently entitled *Delisting*, to *Delisting of Securities*, and § 3.1, currently entitled *Delisting by Exchange, to Suspension and/or Delisting by Exchange*.

⁷ The existing language under § 3.1 dealing with

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Section, 450 Fifth Street, NW., Washington, DC 20549. Copies of such filing will also be available for inspection and copying at the principal office of the CSE. All submission should refer to File No. SR-CSE-90-04 and should be submitted by March 26, 1990.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Dated: February 26, 1990.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-4882 Filed 3-2-90; 8:45 am]

BILLING CODE 8010-01-M

[Release No. 34-27742; File No. SR-NYSE-89-42]

Self-Regulatory Organizations; New York Stock Exchange, Inc.; Order Approving Proposed Rule Change Relating to Standardized Floor Stationery

On December 20, 1989, the New York Stock Exchange, Inc. ("NYSE" or "Exchange") submitted to the Securities and Exchange Commission ("SEC" or "Commission"), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act")¹ and rule 19b-4 thereunder,² a proposed rule change to amend Exchange Rule 123A.23 to require the use of standardized floor stationery by members and member organizations on the Floor of the Exchange.

The proposed rule change was noticed in Securities Exchange Act Release No. 27639 (January 19, 1990), 55 FR 2726 (January 26, 1990). No comments were received on the proposal.

The NYSE proposes to require the use of standardized order and report forms,

in such a format as the Exchange may from time to time prescribe, by members and member organizations on the Floor.³ The Exchange initially has proposed several standardized reporting forms: The broker report form, various specialist report forms, order forms for members and member organizations, and forms for machine orders. The broker report form, required for member firm house and independent brokers, standardizes the clearing number, broker and/or member firm name, floor location, executing broker badge fields, as well as quantity, price, give-up, contra badge number, and execution time fields and also allows for multiple reporting of executions on one form. The various specialist reporting forms standardize the clearing number, specialist and post location, and the executing broker badge fields. The order forms for members and member organizations standardize clearing number, firm name and locations, and executing broker badge fields. The members and member organizations have the option of using the reverse side of the form where standardized fields for shares, price, give-up, contra broker badge number, execution time, and shares left may be indicated. Finally, the forms for machine orders standardize the fields for clearing numbers, firm, and executing broker location. Any substantive changes to the forms would be filed with the Commission pursuant to the requirements of section 19(b) of the Act and rule 19b-4.⁴

The NYSE states that the standardized order and report forms will facilitate compliance with Exchange Rule 132 requirements concerning the capture of accurate audit trail data.⁵ The Exchange believes that the use of a consistent reporting format should improve the quality of data processed by member organizations to trade comparison facilities, thereby improving audit trail accuracy. As a result, the Exchange believes that the proposed amendment to NYSE Rule 123A.23 will enhance its ability to reconstruct market activity which, in turn, will improve the NYSE surveillance programs.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities

exchange, and, in particular, the requirements of section 6(b)(5) of the Act.⁶ The Commission believes that the proposal, which provides for a consistent reporting format through standardized forms, should result in greater accuracy in the audit trail data submitted by members and member organizations to the Exchange. The enhanced accuracy of the audit trail data should result in improved Exchange ability to reconstruct market activity as it occurred on the trading floor. This, in turn, should improve the Exchange's surveillance programs. The Commission also notes that the proposal complements NYSE Rule 132 requirements for the reporting of trade data.⁷ Finally, the Commission believes that the proposal establishes a uniform reporting system which will foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to transactions in securities.

It therefore is ordered, pursuant to section 19(b)(2) of the Act,⁸ that the proposed rule change is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.⁹

Dated: February 27, 1990.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-4879 Filed 3-2-90; 8:45 am]

BILLING CODE 8010-01-M

[Rel. No. IC-17359; 811-897]

Sea Certificate Series, Inc.; Application

February 27, 1990.

AGENCY: Securities and Exchange Commission ("SEC").

ACTION: Notice of Application for Exemption under the Investment Company Act of 1940 ("1940 Act").

APPLICANT: Sea Certificate Series, Inc.

RELEVANT 1940 ACT SECTIONS:

Deregistration under section 8(f).

SUMMARY OF APPLICATION: Applicant seeks an order declaring that it has ceased to be an investment company under the 1940 Act.

FILING DATE: The application was filed on November 15, 1989 and amended on February 23, 1990.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a

³ At the present time, the Exchange recommends, but does not require, the forms used on the Floor.

⁴ See Securities Exchange Act Release No. 27639 (January 19, 1990), 55 FR 2726 (January 26, 1990).

⁵ See generally NYSE Rule 132, Comparison and Settlement of Transactions through a Fully-Interfaced or Qualified Clearing Agency, which sets forth certain requirements for the reporting of trade data.

⁶ 15 U.S.C. 78f (1982).

⁷ See *supra* note 5.

⁸ 15 U.S.C. 78s(b)(2) (1982).

⁹ 17 CFR 200.30-3(a)(12) (1989).

¹ 15 U.S.C. 78s(b)(1) (1982).

² 17 CFR 240.19b-4 (1989).

hearing. Any interested person may request a hearing by writing to the SEC's Secretary and serving applicant with a copy of the request, personally or by mail. Hearing requests should be received by the SEC by 5:30 p.m. on March 26, 1990, and should be accompanied by proof of service on the applicant, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the SEC's Secretary.

ADDRESSES: Secretary, SEC, 450 5th Street, NW., Washington, DC 20549; Applicant, 11180 N. 129 Way, Scottsdale, Arizona 85258.

FOR FURTHER INFORMATION CONTACT: Bibb L. Strench, Staff Attorney, (202) 272-2856 or Jeremy N. Rubenstein, Branch Chief, (202) 272-3023 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee by either going to the SEC's Public Reference Branch or contacting the SEC's commercial copier at (800) 231-3282 (in Maryland (301) 258-4300).

Applicant's Representations:

1. Applicant, formerly Principal Certificate Series, Inc., is incorporated in the State of Delaware. On July 27, 1959, applicant registered pursuant to section 8(a) of the 1940 Act as a face amount certificate company. On October 15, 1959, applicant filed an initial registration statement under the Securities Act of 1933, which became effective on July 7, 1960. The amounts, titles and classes of certificates covered by applicant's registration statement and post-effective amendments thereto, and the approximate dates on which initial public offerings were commenced, are set forth in Exhibit A of the application.

2. Applicant currently has assets of \$330,377 and debts and other liabilities of \$32,005. Applicant's debts and other liabilities include \$7,155 of amounts due to 33 persons whose certificates are matured, paid up or cancelled. The aggregate maturity value of the matured certificates of applicant's Series 20 installment face amount certificate, due to 13 persons, is \$5,784.33. The aggregate maturity value of applicant's paid up certificates, due to 2 persons, is \$1,188.37. The paid up certificates are certificates which were issued after six months' continuous default on the Series

AP installment face amount certificates. Applicant also owes an aggregate of \$628.41 to 18 persons whose Series AP certificates have been cancelled. These former certificate holders were in continuous default for a period of six months on original certificates having a surrender value of less than \$100.

3. Applicant has been unable to locate the 33 persons to obtain their instructions as to the disposition of the proceeds of their certificates. Applicant has paid only the minimum required 3.5% interest on all certificates since November, 1987, and will not pay any interest over that amount in the future.

4. Significant protection will be provided to certificate holders and former certificate holders by applicant's commitment to transfer cash sufficient to pay these persons the amount due them currently or at any time in the future to a qualified custodian, as discussed below. Applicant will have no further access to such custodian.

5. Applicant will transfer cash in the aggregate maturity amount of its remaining matured and paid up certificates, as well as amounts due to former certificate holders whose certificates have been cancelled, to a custodian that is a bank having the qualifications prescribed in section 26(a)(1) of the 1940 Act. Applicant will instruct the custodian to pay the appropriate amount to any certificate holder or former certificate holder who can be located. Applicant will instruct the custodian to escheat any amounts which remain unclaimed at the time established by state abandoned property laws to the appropriate state authority.

6. Should either of two remaining holders of the paid up certificates be located and wish to resume making payments on a certificate, applicant will transfer to the custodian for the account of the certificate holder an amount sufficient to pay the maturity value of such payments, by forwarding the payment, plus an amount equal to the reserve for such payment under section 28(i) of the 1940 Act.

7. Applicant will continue to operate as a private investment company in reliance on the exclusion from the definition of investment company contained in section 3(c)(1) of the 1940 Act, investing its capital in securities for the benefit of its four shareholders. Applicant will operate in accordance with the laws of the State of Delaware with respect to its board of directors and other corporate matters.

8. Applicant has not sold any certificates or other securities to the public since November, 1987, and does not intend to do so in the future.

Applicant is not a party to any litigation or administrative proceedings. Within the last 18 months, applicant has not transferred any of its assets to a separate trust, the beneficiaries of which are securityholders of the applicant.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,
Secretary.

[FR Doc. 90-4880 Filed 3-2-90; 8:45 am]

BILLING CODE 8010-01-M

DEPARTMENT OF STATE

[Public Notice 1169]

Office of Foreign Missions; Designation of Driving Privileges as a Benefit under the Foreign Missions Act

AGENCY: Office of Foreign Missions, State.

ACTION: Notice.

SUMMARY: On April 24, 1984, acquisitions of certain items related to operation of motor vehicles in the United States by foreign missions and their members were designated as "benefits" under the Foreign Missions Act. The Office of Foreign Missions of the Department of State publishes the following notice to permit ease of reference and citation to this designation of benefits.

SUPPLEMENTARY INFORMATION: The Foreign Missions Act, 22 U.S.C. 4301 *et seq.*, defines "benefit" for its purposes as "any acquisition, or authorization for an acquisition, in the United States by or for a foreign mission, including the acquisition of [an enumerated list of items] and includes such other benefits as the Secretary may designate," 22 U.S.C. 4302(a)(1).

On April 27, 1984, acquisitions of certain documents and services, including licenses to operate motor vehicles, vessels, and aircraft; titles, registration documents, license tags, safety inspection documents and decals; city, county and state registration forms and decals for motor vehicles, vessels, and aircraft; liability insurance for the operation of motor vehicles, vessels, and aircraft; and any other requisites for the operation, ownership, and maintenance of a motor vehicle, vessel, or aircraft in the United States, were designated as benefits under the Foreign Missions Act.

In accordance with the Foreign Missions Act, 22 U.S.C. 4304(b), the Secretary of State, by diplomatic note dated July 5, 1984, announced the decision to require foreign missions and

their personnel to obtain motor-vehicle titles, registrations, and license plates from the Office of Foreign Missions on terms and conditions specified in the note. Similarly, the Secretary announced by diplomatic note number 88-465 dated June 28, 1988, the decision to require members of foreign missions to obtain driver licenses from the Office of Foreign Missions on terms and conditions specified in that note.

Continued operation of the Department's programs that administer these benefits frequently leads to questions from state, county, and other local officials, and from private citizens and legal representatives of members of foreign missions, regarding the legal basis and authority for the programs. With this in mind and with the goal of providing an easy reference and citation for this designation of benefits, the Office of Foreign Missions provides the following notice:

Designation of Benefits Under The Foreign Missions Act

Section 202(a) [22 U.S.C. 4302(A)] of the Foreign Missions Act, 22 U.S.C. *et seq.* (hereinafter the Act) authorizes the Secretary of State to designate benefits acquired by or for a foreign mission other than those enumerated in Section 202(a)(1). The legislative history concerning this provision provides as follows: "It should be noted that this enumeration [Section 202(a)(1)] is merely illustrative and not exhaustive. In fact, this provision explicitly grants the Secretary of State authority to designate what constitutes a 'benefit' for purposes of this title." (See H.R. Rep. No. 97-102, Part 1, 97th Congress, 1st Session, 29; S. Rep. No. 97-283, 97th Congress, 2nd Session, 7.)

By virtue of the authority vested in me by the Act and Delegation of Authority No. 147 of September 13, 1982, I hereby designate as benefits under Section 202(a)(1) of the Act: (1) The acquisition of licenses to operate motor vehicles, vessels, and aircraft; (2) titles, registration documents, license tags, safety inspection documents and decals; (3) city, county and state registration forms and decals for motor vehicles, vessels, and aircraft; (4) liability insurance for the operation of motor vehicles, vessels, and aircraft; and (5) any other requisites for the operation, ownership, and maintenance of a motor vehicle, vessel, or aircraft required by any federal, state, municipal, county or other governmental instrumentality in the United States, its territories or possessions.

April 27, 1984.

Ronald I. Spiers

Dated: February 16, 1990.

Harry W. Porter III,

Acting Director.

[FR Doc. 90-4936 Filed 03-02-90; 8:45 am]

BILLING CODE 4710-35-M

Shipping Coordinating Committee; Meeting

The U.S. Shipping Coordinating Committee (SHC) will conduct an open meeting at 1000 on Thursday, 15 March 1990, in room 2415 of U.S. Coast Guard Headquarters, 2100 Second Street, SW., Washington, DC. This public meeting is being held in preparation for:

1. The International Maritime Organization (IMO) Conference on the Revision of the 1974 Athens Convention relating to the Carriage of Passengers and their Luggage by Sea (London, 28-30 March 1990); and

2. The 62nd session of the IMO Legal Committee (London, 2-6 April 1990), the principal focus of which will be the question of Liability and Compensation related to the Maritime Carriage of Hazardous and Noxious Substances (HNS).

The IMO Conference on the 1974 Athens Convention will take up a draft protocol adopted by the IMO Legal Committee at its 60th Session in October 1988. The draft protocol is limited in scope, seeking only to: (1) Enhance the compensation available thereunder; and (2) introduce a simplified procedure for updating the compensation amounts.

The U.S. has not ratified the 1974 Athens Convention. The upcoming conference negotiations are important from the U.S. perspective, however, in view of both the significant passenger cruise trade and the relationship of the 1974 liability limits to those in other international liability regimes currently under consideration.

With respect to HNS liability and compensation, the IMO Legal Committee has resumed work on this subject in an effort to develop an international HNS regime which will prove more acceptable than that which was considered but not adopted at the 1984 Diplomatic Conference on Liability and Compensation for Damage in Connection with the Carriage of Certain Substances by Sea. It should be noted that development and implementation of an international HNS regime would have significant impacts on a wide range of U.S. interests related to the maritime and chemical industries, government and the environment.

Recent negotiating developments indicate a continuing strong international desire to expedite this HNS work. As a result, it is expected that this subject will be the Legal Committee's principal focus at its 62nd session. A progress report on U.S. preparations for the HNS negotiations will be provided at the SHC meeting.

The foregoing topics will be addressed at the open SHC meeting. The views of

the public, and particularly those of affected maritime commercial and environmental interests, are requested.

Members of the public are invited to attend the SHC meeting, up to the seating capacity of the room.

For further information or to submit views concerning any of the topics to be discussed at the SHC meeting, contact either Captain Jonathan Collom or Lieutenant Commander Frederick M. Rosa, Jr., U.S. Coast Guard (G-LMI), 2100 Second Street, SW., Washington, DC 20593, telephone (202) 267-1527, telefax (202) 267-4163.

Dated: February 15, 1990.

Joseph Richardson,

Executive Secretary, Shipping Coordinating Committee.

[FR Doc. 90-4923 Filed 3-2-90; 8:45 am]

BILLING CODE 4710-07-M

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Milwaukee County, WI

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an environmental impact statement will be prepared for a proposed highway project in Milwaukee County, Wisconsin.

FOR FURTHER INFORMATION CONTACT:

Ms. Jacki Lawton, Environmental Coordinator, Federal Highway Administration, 4502 Vernon Boulevard, Madison, Wisconsin 53705-4905. Telephone (608) 264-5967.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Wisconsin Department of Transportation, will prepare an environmental impact statement (EIS) on a proposal to extend East Howard Avenue (STH 199) from South Pennsylvania Avenue to South Lake Drive (STH 32), from South Pennsylvania Avenue to South Lake Drive (STH 199) from South Pennsylvania Avenue to South Lake Drive (STH 32), a distance of about 1.3 miles in the City of St. Francis, Wisconsin.

The proposed action is considered necessary to provide for the existing and projected traffic demand, improve local access, and provide a direct link between the Lake Arterial (STH 794) interchange at East Howard Avenue and South Lake Drive (STH 32). Alternatives under consideration include: (1) Taking

no action; (2) widening the existing two-lane connecting streets to multi-lane streets; and (3) constructing a multi-lane street on new location. Incorporated into and studied with the various build alternatives will be design variations of roadway alignment and grade.

Information describing the proposed action and soliciting comments will be sent to the appropriate Federal, State, and local agencies. Coordination activities with the various agencies will be held as necessary. A series of public meetings and a public hearing will be held in the City of St. Francis in 1990. Public notice will be given of the time and place of the meetings and hearing. The draft EIS will be available for public and agency review and comment prior to the public hearing. No formal scoping meeting is planned at this time.

To ensure that a full range of issues relate to this proposed action are addressed, and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Issued on: February 22, 1990.

Robert W. Cooper,
District Engineer, Madison, Wisconsin.
[FR Doc. 90-4922 Filed 3-2-90; 8:45 am]
BILLING CODE 4910-22-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirements Submitted to OMB for Review

Dated: February 27, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

U.S. Customs Service

OMB Number: 1515-0062.

Form Number: None.

Type of Review: Extension.

Title: General Declaration.

Description: The Customs Form 1301 is used as the form by which the master of the vessel can set forth various items of information as to the location of the vessel in the port, itinerary prior to arrival in the U.S. and the itinerary after leaving the U.S.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 8,000.

Estimated Burden Hours Per Response: 5 minutes.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 17,326 hours.

OMB Number: 1515-0117.

Form Number: None.

Type of Review: Extension.

Title: Establishment of Container Station.

Description: A container station that is independent of either an importing carrier or a bonded carrier may be established at any port or portion thereof where under the jurisdiction of a district director. This information collection is the application to establish such a container station.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 177.

Estimated Burden Hours Per Response: 2 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 354 hours.

OMB Number: 1515-0121.

Form Number: None.

Type of Review: Extension.

Title: Establishment of a Bonded Warehouse.

Description: Owners or lessees desiring to establish a bonded warehouse must make written application to the district director for the warehouse, along with a fee and any other documents requested.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 45.

Estimated Burden Hours Per Response: 3 hours.

Frequency of Response: On occasion.

Estimated Total Reporting Burden: 135 hours.

OMB Number: 1515-0127.

Form Number: None.

Type of Review: Extension.

Title: Application for Bonding of Smelting and Refining Warehouse.

Description: A manufacturer engaged in smelting or refining of metal-bearing

materials shall submit an application for the bonding of the plant to the District Director, giving the location of the plant and the nature of the work to be performed.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 6.

Estimated Burden Hours Per

Response: 8 hours.

Frequency of Response: One-time application.

Estimated Total Reporting Burden: 576 hours.

Clearance Officer: Dennis Dore (202) 535-9267, U.S. Customs Service, Paperwork Management Branch, Room 6316, 1301 Constitution Avenue NW., Washington, DC 20229.

OMB Reviewer: Milo Sunderhauf (202) 395-6680, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 90-4926 Filed 3-2-90; 8:45 am]

BILLING CODE 4820-02-M

Public Information Collection Requirements Submitted to OMB for Review

Dated: February 27, 1990.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96-511. Copies of the submission(s) may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2224, 1500 Pennsylvania Avenue, NW., Washington, DC 20220.

Internal Revenue Service

OMB Number: New.

Form Number: None.

Type of Review: New Collection.

Title: Survey of Former IRS Employees Who Are Now Tax Practitioners.

Description: This survey is being conducted to help the Service fulfill its responsibilities under OMB Circular A-132. The data collected will be used to identify areas where the Service can improve its assistance to individual taxpayers, small business taxpayers and to the practitioner community.

Respondents: Individuals or households.

Estimated Number of Respondents: 1,600.

Estimated Burden Hours Per Response: 30 minutes.

Frequency of Response: One-time Survey.

Estimated Total Reporting Burden: 600 hours.

OMB Number: 1545-0196.

Form Number: 5227.

Type of Review: Revision.

Title: Split-Interest Trust Information Return.

Description: The data reported is used to verify that the beneficiaries of a charitable remainder trust include the

correct amounts in their tax returns, and that the split-interest trust is not subject to private foundation taxes.

Respondents: Businesses or other for-profit.

Estimated Number of Respondents: 35,000.

Estimated Burden Hours Per Response/Recordkeeping:

Recordkeeping: 38 hours, 30 minutes.

Learning about the law of the form: 3 hours, 25 minutes.

Preparing the form: 9 hours, 46 minutes.

Copying, assembling, and sending the form to IRS: 1 hour, 37 minutes.

Frequency of Response: Annually.

Estimated Total Recordkeeping/Reporting Burden: 1,864,800 hours.

Clearance Officer: Garrick Shear (202) 535-4297, Internal Revenue Service, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Milo Sunderhauf, (202) 395-6880, Office of Management and Budget, Room 3001, New Executive Office Building, Washington, DC 20503.

Lois K. Holland,

Departmental Reports, Management Officer.

[FR Doc. 90-4927 Filed 3-2-90; 8:45 am]

BILLING CODE 4830-01-M

Sunshine Act Meetings

Federal Register

Vol. 55, No. 43

Monday, March 5, 1990

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:00 a.m., Tuesday, March 20, 1990.

PLACE: 2033 K St. NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-5018 Filed 3-1-90; 10:58 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION:

TIME AND DATE: 10:00 a.m., Tuesday, March 27, 1990.

PLACE: 2033 K St., NW., Washington, DC, 5th Floor Hearing Room.

STATUS: Open.

MATTERS TO BE CONSIDERED:

Application submitted by the New York Cotton Exchange to trade Frozen Concentrated Orange Juice #2.

Broker Associations—proposed rules.
Final Statutory Interpretation of Hybrid Instruments.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-5019 Filed 3-1-90; 10:58 am]

BILLING CODE 6350-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 10:30 a.m., Tuesday, March 27, 1990.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule enforcement review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-5020 Filed 3-1-90; 10:58 am]

BILLING CODE 6351-01-M

COMMODITY FUTURES TRADING COMMISSION

TIME AND DATE: 11:00 a.m., Tuesday, March 27, 1990.

PLACE: 2033 K St., NW., Washington, DC, 8th Floor Hearing Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Enforcement matters.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 254-6314.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 90-5021 Filed 3-1-90; 10:58 am]

BILLING CODE 6351-01-M

EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

"FEDERAL REGISTER" CITATION OF PREVIOUS ANNOUNCEMENT: 55 FR 6336, Thursday, February 22, 1990.

PREVIOUSLY ANNOUNCED TIME AND DATE OF MEETING: 2:00 p.m. (Eastern Time) Monday, March 5, 1990.

CHANGE IN THE MEETING: The meeting has been cancelled.

CONTACT PERSON FOR MORE INFORMATION: Frances M. Hart, Executive Officer, Executive Secretariat, (202) 663-7100.

Dated: February 28, 1990.

Frances M. Hart,

Executive Officer, Executive Secretariat.

[FR Doc. 90-5025 Filed 3-1-90; 11:20 am]

BILLING CODE 6750-06-M

FEDERAL COMMUNICATIONS COMMISSION

FCC To Hold Open Commission Meeting, Thursday, March 8, 1990

March 1, 1990.

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, March 8, 1990, which is scheduled to commence at 9:30 a.m., in Room 856, at 1919 M Street, N.W.

Item No., Bureau, Subject

- 1—Common Carrier—Title: Policy and Rules concerning rates for dominant carriers (CC Docket No. 87-313), *Supplemental Notice*. Summary: The Commission will consider the adoption of a *Supplemental Notice of Proposed Rulemaking* regarding its current proposal for incentive regulation of local exchange carriers.
- 2—Common Carrier—Title: Competition in the interstate interexchange marketplace. Summary: The Commission will consider the adoption of a *Notice of Proposed Rulemaking* with respect to its regulation of the interstate interexchange marketplace.
- 3—Private Radio—Title: Amendment of Parts 2 and 80 of the Commission's Rules regarding revision of the high frequency (HF) channels for the maritime mobile service to implement the Final Acts of the World Administrative Radio Conference for the Mobile Services, Geneva, 1987. Summary: The Commission will consider whether to amend the frequency tables in the HF maritime mobile service (400-27500 kHz).
- 4—Private Radio—Title: Amendment of the Maritime Services Rules (Part 80) to increase the mileage limit contained in the general exemption for small passenger vessels operated on domestic voyages. Summary: The Commission will consider whether to propose rule amendments affecting the general exemption from the radiotelegraph requirements applicable to small passenger vessels.
- 5—Mass Media—Title: Notice of Proposed Rulemaking (NPRM) pertaining to amendment of Part 74 of the Commission's Rules concerning FM translator stations. (MM Docket No. 88-140). Summary: The Commission will consider whether to adopt a NPRM to review and modify certain rules and policies governing the FM translator service.

This meeting may be continued the following work day to allow the Commission to complete appropriate action.

Additional information concerning this meeting may be obtained from Audrey Spivack, Office of Public Affairs, telephone number (202) 632-5050.

Issued: March 1, 1990.

Federal Communications Commission.

Donna R. Searcy,

Secretary.

[FR Doc. 90-5085 Filed 3-1-90; 3:41 am]

BILLING CODE 6712-01-M

Corrections

Federal Register

Vol. 55, No. 43

Monday, March 5, 1990

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF AGRICULTURE

Rural Electrification Administration

7 CFR Part 1772

REA Specification for Seven Wire Galvanized Steel Strand

Correction

In the issue of Friday, February 2, 1990, on page 3685, in the first column, in the correction to rule document 90-1211, the section heading is corrected to read as follows:

§ 1772.370 [Corrected]

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 799

[Docket No. 900121-0021]

RIN 0694-AA07

Expansion of General License GFW

Correction

In rule document 90-4253 beginning on page 6791 in the issue of Tuesday, February 27, 1990, make the following correction:

Supplement No. 1 to § 799.1 [Corrected]

On page 6793, in the second column, in item 12, in the fourth line, "ECCN 1564A" should read "ECCN 1565A".

BILLING CODE 1505-01-D

DEPARTMENT OF COMMERCE

International Trade Administration

[A-475-059]

Final Results of Antidumping Duty; Administrative Review and Revocation in Part; Pressure Sensitive Plastic Tape From Italy

Correction

In notice document 90-3887 beginning on page 6031 in the issue of Wednesday, February 21, 1990, make the following correction:

On page 6032, in the third column, in the second complete paragraph, in the seventh line, add "no" after "is".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP89-2002-001, et al.]

Iowa Public Service Co., et al.; Natural Gas Certificate Filings

Correction

In notice document 89-29824 beginning on page 52982 in the issue of Tuesday, December 26, 1989, make the following correction:

On page 52988, in the first column, under entry 25, the Docket number should read "[Docket No. CP90-324-000]".

BILLING CODE 1505-01-D

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CS87-39-000, et al.]

Texas Independent Exploration, Inc. (AGCO Petroleum Co.) et al.; Applications for Small Producer Certificates

Correction

In notice document 90-4103 beginning

on page 6442 in the issue of Friday, February 23, 1990, make the following correction:

On page 6442, in the table, under "Docket No.", the first entry should read "CS87-39-000".

BILLING CODE 1505-01-D

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[MM Docket No. 87-595; RM-5857]

Radio Broadcasting Services; Beloit, KS

Correction

In rule document 90-638 appearing on page 1035 in the issue of Thursday, January 11, 1990, make the following correction:

§ 73.202 [Corrected]

In the second column, in amendatory instruction 2, in the third line, "Channel 228A" should read "Channel 288A".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 90-NM-03-AD]

Airworthiness Directives; Sud-Service Caravelle Model SE 210 Series Airplanes

Correction

In proposed rule document 90-2917 beginning on page 4436 in the issue of Thursday, February 8, 1990, make the following correction:

On page 4438, in the first column, under paragraph F, in the sixth line, "52-52" should read "53-52".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 71**

[Airspace Docket No. 89-AEA-04]

Proposed Establishment of Transition Area; Brockport, NY**Correction**

In proposed rule document 90-4049 beginning on page 6291 in the issue of Thursday, February 22, 1990, make the following correction:

§ 71.181 [Corrected]

On page 6292, in the first column, in § 71.181, under Brockport, NY [New], in

the fourth line, the latitude should read "43°10'52" N."

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****14 CFR Part 73**

[Airspace Docket No. 89-AWP-19]

Proposed Alteration of Restricted Area R-4807 Tonopah, NV**Correction**

In proposed rule document 90-3669 beginning on page 5625 in the issue of

Friday, February 16, 1990, make the following correction:

§ 73.48 [Corrected]

On page 5626, in the second column, under amendatory instruction 4, the longitudinal coordinates given in the 14th line under *Boundaries* should read "115°53'00"W."

BILLING CODE 1505-01-D

Federal Register

Monday
March 5, 1990

Part II

Department of Defense

General Services Administration

National Aeronautics and Space Administration

48 CFR Parts 44 and 52

Federal Acquisition Regulation (FAR);
Thresholds; Proposed Rule

DEPARTMENT OF DEFENSE**GENERAL SERVICES
ADMINISTRATION****NATIONAL AERONAUTICS AND
SPACE ADMINISTRATION****48 CFR Parts 44 and 52****Federal Acquisition Regulation (FAR);
Thresholds**

AGENCIES: Department of Defense (DoD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Proposed rule.

SUMMARY: The Civilian Agency Acquisition Council and the Defense Acquisition Regulatory Council are considering changes to Federal Acquisition Regulation (FAR) 44.201-1 and the clause at 52.244-1. The coverage and clause address requirements pertaining to contractor notification of intent to enter into certain subcontracts. Thresholds are being increased from \$25,000 to \$100,000 for the contracting officer prior review of certain subcontracts under fixed-price contracts.

DATES: Comments should be submitted to the FAR Secretariat at the address shown below on or before May 4, 1990 to be considered in the formulation of a final rule.

ADDRESSES: Interested parties should submit written comments to: General Services Administration, FAR Secretariat (VRS), 18th & F Streets, NW, Room 4041, Washington, DC 20405. Please cite FAR Case 90-09 in all correspondence related to this issue.

FOR FURTHER INFORMATION CONTACT: Ms. Margaret A. Willis, FAR Secretariat, Room 4041, GS Building, Washington, DC 20405, (202) 523-4755. Please cite FAR Case 90-09.

SUPPLEMENTARY INFORMATION:**A. Regulatory Flexibility Act**

This proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rule merely increases certain thresholds pertaining to prior Government review of certain subcontracts. Therefore, an Initial Regulatory Flexibility Analysis has not been performed. However, comments are invited from small businesses and other interested parties. Comments from small entities concerning the affected FAR subpart will also be considered in accordance with section 610 of the Act. Such comments must be submitted separately and cite section 90-610 (FAR Case 90-09) in correspondence.

B. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the proposed changes to the FAR do not impose recordkeeping information collection requirements or collection of information from offerors, contractors, or members of the public which require the approval of OMB under 44 U.S.C. 3501, et seq.

List of Subjects in 48 CFR Parts 44 and 52

Government procurement.
Dated: February 23, 1990.
Albert A. Vicchiolla,
Director, Office of Federal Acquisition Policy.

Therefore, it is proposed that 48 CFR Parts 44 and 52 be amended as set forth below:

1. The authority citation for 48 CFR Parts 44 and 52 continues to read as follows:

Authority: 40 U.S.C. 486(c); 10 U.S.C. Chapter 137; and 42 U.S.C. 2473(c).

**PART 44—SUBCONTRACTING
POLICIES AND PROCEDURES**

2. Section 44.201-1 is amended in paragraph (d) by revising the introductory text; by removing paragraph (d)(1); and by redesignating existing paragraphs (d)(2) and (d)(3) as new (d)(1) and (d)(2) to read as follows:

44.201-1 Fixed-price prime contracts.

(d) Under prime contracts required to include the clause at 52.244-1, Subcontracts (Fixed-Price Contracts), consent is required under paragraph (c) of this subsection for any subcontract that is—

**PART 52—SOLICITATION
PROVISIONS AND CONTRACT
CLAUSES****52.244-1 [Amended]**

3. Section 52.244-1 is amended by removing in the title of the clause the date "(JAN 1986)" and inserting in its place "(FEB 1990)"; by removing paragraph (b)(1); and by redesignating existing paragraphs (b)(2) and (b)(3) as new paragraphs (b)(1) and (b)(2).
[FR Doc. 90-4866 Filed 2-2-90; 8:45 am]

BILLING CODE 6820-34-M

Test Report

**Monday,
March 5, 1990**

Part III

Department of Housing and Urban Development

**Office of the Assistant Secretary for
Community Housing and Development**

**Support Housing Demonstration; Notice
of Fund Availability for Transitional
Housing Program**

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT****Office of the Assistant Secretary for
Community Housing and Development****[Docket No. N-90-3010; FR-2730-N-01]****Supportive Housing Demonstration;
Notice of Fund Availability for
Transitional Housing Program****AGENCY:** Office of the Assistant Secretary for Community Housing and Development, HUD.**ACTION:** Notice of fund availability.**SUMMARY:** This Notice announces the availability of approximately \$115,000,000 in funds for applications for assistance under the transitional housing program of the Supportive Housing Demonstration.**DATES:** Applications for transitional housing assistance must be received by 3 p.m. Eastern Time on May 21, 1990.**ADDRESSES:** Send completed applications to Department of Housing and Urban Development, Office of Community Planning and Development, Special Needs Assistance Programs, Room 7262, 451 Seventh Street SW., Washington, DC 20410. Application packages are available from the HUD Field Office for the area in which the applicant's project is located. A list of Field Offices and contact persons appears at the end of this Notice. Additional information regarding the submission of application packages is included in the package.**FOR FURTHER INFORMATION CONTACT:** James N. Forsberg, Director, Office of Special Needs Assistance Programs, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 755-6300 or, for hearing and speech-impaired persons, (202) 755-5965. (These telephone numbers are not toll-free.)**SUPPLEMENTARY INFORMATION:** The information collection requirements contained in this Notice have been approved under the Paperwork Reduction Act of 1980 by the Office of Management and Budget (OMB), and were assigned OMB control number 2506-0112, expiration date December 31, 1992.

The Supportive Housing Demonstration was authorized by the Stewart B. McKinney Homeless Assistance Act (Pub. L. 100-77, approved July 22, 1987), as amended by the Stewart B. McKinney Homeless Assistance Amendments Act (Pub. L. 100-628, enacted Nov. 7, 1988). The purpose of the demonstration is to

develop innovative approaches to providing housing and supportive services to the homeless, especially to deinstitutionalized homeless individuals, homeless families with children, and homeless individuals with mental disabilities and other handicapped homeless persons. The demonstration consists of two programs: transitional housing and permanent housing for the handicapped homeless. HUD published a final rule (24 CFR part 577 (transitional housing) and part 578 (permanent housing for the handicapped homeless)) governing all aspects of the programs on November 8, 1989 (54 FR 47024). (An amendment to parts 577 and 578 was included with the interim rule on the lease or sale of HUD-acquired single family homes for the homeless published on January 11, 1990 (55 FR 1156).)

This Notice announces the availability of \$114,997,334 in transitional housing funds (\$3,172,334 of which was not obligated in past funding rounds and is carried over, and the remainder appropriated by the HUD appropriations act for fiscal year 1990 (Pub. L. 101-144, approved November 9, 1989)) and any additional funds that may become available as a result of deobligation from previous awards. The funds are available for assistance in the form of: (1) Advances for acquisition, substantial rehabilitation, or acquisition and substantial rehabilitation of existing structures; (2) advances for new construction (under limited circumstances); (3) grants for moderate rehabilitation of existing structures; (4) grants for annual operating costs and supportive services costs (up to five years); and (5) grants for establishing and operating employment assistance programs (up to five years). Eligible applicants are States, metropolitan cities, urban counties, governmental entities, tribes, and private nonprofit organizations. Applicants may be eligible for one or any combination of the types of assistance.

In accordance with section 428(b) of the McKinney Act, HUD will allocate not less than \$20,000,000 of the available funds to transitional housing projects that serve homeless families with children. (The transitional housing rule (24 CFR 577.5) defines a homeless family with children as a homeless family that includes at least one parent or guardian and one child under the age of 18, a homeless pregnant woman, and a homeless individual in the process of securing legal custody of any person who has not attained the age of 18 years.) After applications are scored and ranked, based on the eight criteria described below, HUD will determine if

the tentatively selected projects include not less than \$20,000,000 for projects that will serve homeless families with children. If less than that amount is included in the tentatively selected projects, HUD will substitute, to the extent necessary to achieve the \$20,000,000 set-aside for projects to serve homeless families with children, lower-ranked projects that will serve homeless families with children for projects at the bottom of the list of tentatively selected projects.

To be considered for transitional housing assistance, an applicant must meet the application requirements at § 577.210 of the November 8, 1989 final rule and those contained in the application. (A copy of the final rule is included in the application package.) The applicant is required to submit information on the proposed project and the homeless population that the project will serve, and evidence of the applicant's capacity and experience in establishing and operating homeless facilities, as well as other information and assurances described in the application package.

Ranking Criteria

Applications will be scored and ranked, with a maximum of 1,000 points, based upon eight criteria. To be eligible for an award, applicants must achieve points under each criterion, with the exception of criteria 5 (matching) and 7 (employment assistance program). The criteria, which are described in detail in § 577.215 of the transitional housing final rule, are:

1. *Applicant capacity* (100 points)—HUD will award up to 100 points based on the applicant's relative ability to carry out activities under the program within a reasonable time, and in a successful manner.

2. *Innovative quality of proposal* (100 points)—HUD will award up to 100 points based on the innovative quality of the proposal in providing housing and supportive services for homeless persons in a manner that facilitates their transition to independent living.

3. *Need for transitional housing in the area to be served* (200 points)—HUD will award up to 200 points based on the extent to which the applicant demonstrates an unmet need for the proposed transitional housing.

4. *Delivery of supportive services* (200 points)—HUD will award up to 200 points based on the quality and comprehensiveness of the proposed supportive services, the appropriateness of the services to the population to be served, and the use of or coordination with other public or private entities to

provide the services, regardless of whether transitional housing assistance for supportive services is requested.

5. *Matching* (50 points)—HUD will award up to 50 points based on the extent to which an applicant will match the HUD assistance with more than the required amount of non-Federal funds from other sources.

6. *Cost effectiveness* (100 points)—HUD will award up to 100 points based on the extent to which the applicant's proposed costs are reasonable in relation to the work to be done and the goods and services to be purchased, and are effective in accomplishing the purposes of the proposal. HUD believes that cost-effective approaches are important, but recognizes that this quality can be difficult to measure. The allocation of only 100 points out of 1,000 for cost effectiveness reflects this difficulty, not a lack of emphasis on the importance of this criterion.

7. *Employment assistance program* (200 points)—HUD will award up to 200 points based on the extent to which the applicant has an employment assistance program and the quality of the program, regardless of whether transitional housing assistance for an employment assistance program is requested.

8. *Site control* (50 points)—HUD will award up to 50 points based on the extent to which an applicant has control of the site for the proposed project.

HUD expects to announce awards of transitional housing funds by July 31, 1990. Applicants will be notified whether the application will be funded or rejected. In the event of a tie between applicants, the applicant with the highest total points for ranking criteria 3 (need for transitional housing in the area to be served) and 4 (delivery of supportive services) will be chosen for funding. In the event of a procedural error that, when corrected, would result in awarding sufficient points to warrant funding of an otherwise eligible applicant during the funding round under this Notice, HUD may fund that applicant in the next funding round.

Certification Regarding Lobbying

On December 20, 1989, the Department published a notice at 54 FR 52070 advising recipients and subrecipients of Federal contracts, grants, cooperative agreements and loans of a new prohibition recently mandated by Congress. Section 319 of the Department of the Interior Appropriations Act, Public Law 101-121, approved October 23, 1989, generally prohibits recipients of Federal contracts, grants, and loans from using appropriated funds for lobbying the Executive or Legislative Branches of the

Federal Government in connection with a specific contract, grant, or loan.

Also on December 20, 1989 at 54 FR 52306, the Office of Management and Budget (OMB) issued interim final guidance to implement this prohibition. Effective December 23, 1989, this guidance generally prohibits the awarding of contracts, grants, cooperative agreements, or loans unless the recipient has made an acceptable certification regarding lobbying. In addition the recipient must also file a disclosure if it has made or has agreed to make any payment with nonappropriated funds that would be prohibited if paid with appropriated funds.

Drug-Free Workplace Certification

The Drug-Free Workplace Act of 1988 requires grantees of Federal agencies to certify that they will provide drug-free workplaces. Thus, each potential recipient must certify that it will comply with drug-free workplace requirements in accordance with 24 CFR part 24, subpart F.

Application Packages

Application packages may be obtained by writing the Department of Housing and Urban Development field office serving the state in which the applicant is located, at the following addresses:

Alabama

Jasper Boatright, Beacon Ridge Tower, 600 Beacon Pkwy. West, Birmingham, AL 35209-3144; (205) 731-1672.

Alaska

William D. Melton, Federal Bldg., 222 W. 8th Ave., #64, Anchorage, AK 99513-7573; (907) 271-3669.

Arizona

Diane Domzalski, One North First St., 3rd Floor, P.O. Box 13468, Phoenix AZ 85004-2361; (602) 379-4754.

Arkansas

Billy M. Parsley, Lafayette Bldg., 523 Louisiana, Ste. 200, Little Rock, AR 72201-3707; (501) 378-6375.

California

(Southern)

Herbert L. Roberts, 1615 W. Olympic Blvd., Los Angeles, CA 90015-3801; (213) 251-7235.

(Northern)

Gordon H. McKay, 450 Goldengate Ave., P.O. Box 36003, San Francisco, CA 94102-3448; (415) 556-4457.

Colorado

Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.

Connecticut

Daniel Kolesar, 330 Main St., Hartford, CT 06106-1860; (203) 240-4508.

Delaware

John Kane, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106-3392; (215) 597-2665.

District of Columbia

James H. McDaniel, 451 7th St. SW, Rm. 3158, Washington, DC 20410-5500; (202) 453-4520.

Florida

Cleveland Talmadge, 325 W. Adams St., Jacksonville, FL 32202-4303; (904) 791-3587.

Georgia

Charles N. Straub, Russell Fed. Bldg., 75 Spring St. SW., Atlanta, GA 30303-3388; (404) 331-5139.

Hawaii

Calvin Lew, 300 Ala Moana Blvd., Rm. 3318, Honolulu, HI 96850-4991; (808) 541-1327.

Idaho

John G. Bonham, 520 SW 6th Ave., Portland, OR 97204-1596; (503) 326-7018.

Illinois

Richard Wilson, 547 W. Jackson Blvd., Chicago, IL 60606-5601; (312) 353-1696.

Indiana

Robert F. Poffenberger, 151 N. Delaware St., Indianapolis, IN 46204-2526; (317) 226-5169.

Iowa

Joe E. Jones, Braiker/Brandeis Bldg., 210 S. 16th St., Omaha, NE 68102-1622; (402) 221-3839.

Kansas

Migel Madrigal, Professional Bldg., 1103 Grand Ave., Kansas City, MO 64106-2496; (816) 374-6496.

Kentucky

Steve Childress, P.O. Box 1044, 601 W. Broadway, Louisville, KY 40201-1044; (502) 582-5394.

Louisiana

Greg Hamilton, P.O. Box 70288, 1661 Canal St., New Orleans, LA 70172-0288; (504) 589-7212.

Maine

David Lafond, Norris Cotten Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640.

Maryland

Harold Young, Equitable Bldg., 3rd Floor, 10 N. Calvert St., Baltimore, MD 21202-1865; (301) 962-2417.

Massachusetts

Frank Del Vecchio, Fed. Bldg., 10 Causeway St., Boston, MA 02222-1092; (617) 565-5343.

Michigan

Richard Paul, Patrick McNamara Bldg., 477 Michigan Ave., Detroit, MI 48226-2592; (313) 226-4343.

Minnesota

Shawn Huckleby, 221 2nd St. South, Minneapolis, MN 55401-2195; (612) 370-3019.

Mississippi

Jeanie E. Smith, Fed. Bldg., 100 Capitol St., Room 910, Jackson, MS 39269-1096; (601) 965-4765.

*Missouri**(Eastern)*

David H. Long, 210 N. Tucker Blvd., St. Louis, MO 63101-1997; (314) 425-4322.

(Western)

Miguel Madrigal, Professional Bldg., 1103 Grand Ave., Kansas City, MO 64106-2496; (816) 374-6496.

Montana

Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.

Nebraska

Joe E. Jones, Braiker/Brandeis Bldg., 210 S. 16th St., Omaha, NE 68102-1622; (402) 221-3839.

*Nevada**(Las Vegas, Clark County)*

Diane Domzalski, One North First St., 3rd Floor, P.O. Box 13468, Phoenix AZ 85004-2361; (602) 379-4754.

(Remainder of state)

Gordon H. McKay, 450 Goldengate Ave., P.O. Box 36003, San Francisco, CA 94102-3448; (415) 556-4457.

New Hampshire

David Lafond, Norris Cotten Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640.

New Jersey

Frank Sagarese, Military Park Bldg., 60 Park Pl., Newark, NJ 07102-5504; (201) 877-1776.

New Mexico

R.D. Smith, 1600 Throckmorton, P.O. Box 290, Fort Worth, TX; 76113-2905; (817) 885-5483.

*New York**(Upstate)*

Michael F. Merrill, Lafayette Ct., 465 Main St., Buffalo, NY 14203-1780; (716) 846-5768.

(Downstate)

Joan Dabelko, 26 Federal Plaza, New York, NY 10278-0068; (212) 264-2885.

North Carolina

Charles T. Ferebee, 415 N. Edgeworth St., Greensboro, NC 27401-2107; (919) 333-5711.

North Dakota

Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.

Ohio

John E. Riordan, 200 North High St., Columbus, OH 43215-2499; (614) 469-4673.

Oklahoma

Katie Worsham, Fed. Bldg., 200 NW 5th St., Oklahoma City, OK 73102-3202; (405) 231-4973.

Oregon

John G. Bonham, 520 SW 6th Ave., Portland, OR 97204-1596; (503) 326-7018.

*Pennsylvania**(Western)*

James A. Getsy, 412 Old Post Office Bldg., 7th Ave. & Grant St., Pittsburgh, PA 15219-1906; (412) 644-5493.

(Eastern)

John Kane, Liberty Sq. Bldg., 105 S. 7th St., Philadelphia, PA 19106-3392; (215) 597-2665.

Puerto Rico

Rafeal Isern, 159 Carlos Chardon Ave., San Juan, PR 00918-1804; (809) 766-5935.

Rhode Island

Frank Del Vecchio, Fed Bldg., 10 Causeway St., Boston, MA 02222-1092; (617) 765-5343.

South Carolina

Thomas F. O'Brien, Fed. Bldg., 1835-45 Assembly St., Columbia, SC 29201-2480; (803) 765-5564.

South Dakota

Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.

Tennessee

Virginia Peck, 710 Locust St., Knoxville, TN 37902-2526; (615) 549-9422.

*Texas**(Northern)*

R.D. Smith, 1600 Throckmorton, P.O. Box 290, Fort Worth, TX; 76113-2905; (817) 885-5483.

(Southern)

Robert W. Hicks, Washington Sq., 800 Dolorosa, San Antonio, TX; (512) 229-6819.

Utah

Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.

Vermont

David Lafond, Norris Cotten Fed. Bldg., 275 Chestnut St., Manchester, NH 03101-2487; (603) 666-7640.

Virginia

John Levay, Fed. Bldg., 400 N. 8th St., P.O. Box 10170, Richmond, VA 23240-9998; (804) 771-2624.

Washington

John Peters, Arcade Plaza Bldg., 1321 2nd Ave., Seattle, WA 98101-2054; (206) 442-0374.

West Virginia

Jame A. Gesty, 412 Old Post Office Bldg., 7th Ave. & Grant St., Pittsburgh, PA 15219-1906; (412) 644-5493.

Wisconsin

Lana J. Vacha, Reuss Fed. Plaza, 310 W. Wisconsin Ave., Ste. 1380, Milwaukee, WI 53203-2239; (414) 297-3113.

Wyoming

Barbara Richards, Exec. Tower Bldg., 1405 Curtis St., Denver, CO 80202-2349; (303) 844-3811.

Other Matters

During the development of the final rule for the Supportive Housing Demonstration program, the General Counsel, as the designated official under Executive Order 12606, *The Family*, and Executive Order 12612, *Federalism*, made determinations on the impact of the rule on the family and on implications of federalism contained in the rule. Those determinations, published November 8, 1989 (54 FR 47024), have not been altered by any announcements contained in this Notice.

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969. The Finding is available for public inspection between 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of the General Counsel, Department of Housing and Urban Development, Room 10276, 451 Seventh Street SW., Washington, DC 20410.

Dated: February 27, 1990.

Anna Kondratas,

Assistant Secretary for Community Planning and Development.

[FR Doc. 90-4933 Filed 3-2-90; 8:45 am]

BILLING CODE 4210-29-M

Federal Register

**Monday
March 5, 1990**

Part IV

Department of Transportation

Federal Aviation Administration

14 CFR Part 25

**Use of Nitrogen or Other Inert Gas for
Tire Inflation in Lieu of Air; Notice of
Proposed Rulemaking**

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 25

[Docket No. 26147, Notice No. 90-7]

RIN 2120-AD37

Use of Nitrogen or Other Inert Gas for Tire Inflation in Lieu of Air

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This notice proposes to require that an inert gas, such as nitrogen, be used in lieu of air, for inflation of tires on certain transport category airplanes. This action is prompted by at least three cases in which the oxygen in air-filled tires combined with volatile gases given off by a severely overheated tire and exploded upon reaching autoignition temperature. The use of an inert gas for tire inflation will eliminate the possibility of a tire explosion.

DATES: Comments must be received on or before July 2, 1990.

ADDRESSES: Comments on this proposal may be mailed in triplicate to: Federal Aviation Administration, Office of the Chief Counsel, Attention: Rules Docket (AGC-204), Docket No. 26147, 800 Independence Avenue SW., Washington, DC 20591, or delivered in triplicate to: Room 915G, 800 Independence Avenue SW., Washington, DC 20591. All comments must be marked: Docket No. 26147. Comments may be inspected in Room 915G weekdays, except Federal holidays, between 8:30 a.m. and 5 p.m. In addition, the FAA is maintaining an information docket of comments in the Office of the Assistant Chief Counsel (ANM-7), FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. Comments in the information docket may be inspected in the Office of the Assistant Chief Counsel weekdays, except Federal holidays, between 7:30 a.m. and 4 p.m.

FOR FURTHER INFORMATION CONTACT: Gary D. Lium, Flight Test and Systems Branch, ANM-111, Transport Airplane Directorate, Aircraft Certification Service, 17900 Pacific Highway South, C-68966, Seattle, Washington 98169; telephone (206) 431-2118.

SUPPLEMENTARY INFORMATION:**Comments Invited**

Interested persons are invited to participate in the proposed rulemaking

by submitting such written data, views, or arguments as they may desire. Comments relating to the environmental, energy, or economic impact that might result from adopting the proposals contained in this notice are invited. Substantive comments should be accompanied by cost estimates. Commenters should identify regulatory docket or notice number and submit comments, in triplicate, to the Rules Docket address above. All comments received on or before the closing date for comments will be considered by the Administrator before taking action on proposed rulemaking. The proposals contained in this notice may be changed in light of comments received. All comments will be available in the Rules Docket for examination by interested persons, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerning this rulemaking will be filed in the docket. Commenters wishing the FAA to acknowledge receipt of their comments must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Docket No. 26147." The postcard will be date/time stamped and returned to the commenter.

Availability of NPRM

Any person may obtain a copy of this NPRM by submitting a request to the Federal Aviation Administration, Office of Public Affairs, Attention: Public Information Center, APA-230, 800 Independence Avenue SW., Washington, DC 20591; or by calling (202) 267-3484. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRMs should also request a copy of Advisory Circular No. 11-2A, Notice of Proposed Rulemaking Distribution System, which describes the application procedures.

Background

The requirements for approval of airplane tires are contained in § 25.733. This section describes the loads and speed ratings required of each tire, and requires that the tires be shown to be suitable for their intended use. In addition, each tire is authorized under a Technical Standard Order (TSO), which means that the tire has passed a series of rigorous dynamometer tests and is produced in accordance with an approved manufacturing process and quality control system. Airplane tires are designed for strength and durability, and since the advent of turbojet

transport airplanes, they have had a satisfactory service history.

Despite this emphasis on strength and durability for airplane tires, there have been instances of a tire failure in the wheel well during flight on transport category airplanes. The great majority of these have been classified as tire bursts, with only a few having been identified as tire explosions. This is an important distinction, which is relevant to this proposed rulemaking action.

A tire burst, as referred to in § 25.729(f), is a sudden, sometimes violent, venting of the pressure from within a tire, usually associated with a flaw in the tire, foreign object damage, or tire overheating/overload. The FAA assumes that tire bursts will occasionally occur, given the rather severe operating environment of airplane tires, and the fact that certain tire damage may go undetected until tire failure. With this in mind, equipment installed in wheel wells is evaluated at the time of certification to determine its ability to withstand the effects of a bursting tire. Analyses and laboratory tests are performed to identify critical areas, and design changes are often made to ensure that a single tire burst will not cause loss of critical functions.

A tire explosion is a completely different phenomenon. It results from the autoignition and explosion of a mixture of explosive vapors released from the innerliner of a severely overheated or abused tire, and any oxygen that may be present inside the tire. A tire explosion in the wheel well is an unlikely event, since it is the result of a combination of several related events: a brake must be severely overheated due to some brake system failure; the wheel thermal fuse plugs, because of their orientation when the landing gear are retracted, must fail to respond quickly enough to the overheated condition; the overheated and possibly damaged tire must hold together long enough to allow the gas mixture in the tire to reach autoignition temperature; and there must be sufficient oxygen inside the tire to support an explosion.

It is impossible to design a thermal fuse plug that would be effective in a tire explosion. A thermal fuse plug is a hollow bolt installed in the wheel, with the hole in the bolt filled with a material that melts at a precisely defined temperature. At the desired temperature, the material melts and is ejected from the hollow bolt by tire pressure, allowing the tire to deflate. Because the pressure and temperature rise inside the tire would be nearly instantaneous following ignition, the melting of the fuse plug, which is basically a mechanical

process, would not have time to take place. Also, the cross sectional area of a series of fuse plugs sufficient to safely vent the energy of an explosion would be so large that it would seriously compromise the structural integrity of the wheel. It is more logical to prevent a tire explosion than to attempt to deal with it after it happens. A tire explosion can be prevented by the use of an inert gas such as nitrogen for tire inflation.

Laboratory tests conducted in 1973 show a definite relationship between the quantity of oxygen in a tire and the gas mixture's autoignition temperature. Test data indicate that at nitrogen concentrations between 80 percent and 90 percent (the atmosphere contains approximately 80 percent nitrogen and 20 percent oxygen), ignition of inner tire liner samples occurred in a test chamber with temperatures varying from 478 °F. to 518 °F. Nitrogen concentrations between 90 percent and 95 percent raised the autoignition temperatures to a range of 520 °F. to 531 °F. At nitrogen concentrations greater than 95 percent, there was no pressure increase in the test chamber, even at chamber temperatures of 670 °F., indicating that there was no ignition. Based on these tests, it was concluded that any concentration of oxygen in a tire in excess of 5 percent of the total gas will support a reaction. At a concentration above 10 percent, this reaction is an abrupt autoignition. At concentrations from 5 percent to 10 percent, this reaction is assumed to be a low level autoignition, based on measurement of test chamber pressure and temperature.

If a tire contains at least 95 percent nitrogen or other gases shown to be inert, and is involved in a severe overheat situation as described above, the atmosphere inside the tire would prevent autoignition, or at least delay it long enough either for the fuse plugs to react and release tire pressure, or for the tire itself to fail from overheat, resulting in the less severe tire burst. Section 25.733 currently specifies certain static and dynamic load requirements for airplane tires depending on landing gear configuration. Since the hazard associated with a tire explosion in the wheel well during flight exists on large transport airplanes using tires inflated with air, § 25.733 would be amended to require that tires mounted on braked wheels be inflated with dry nitrogen, or other gases shown to be inert, such that the gas mixture does not contain oxygen in excess of 5 percent by volume.

The FAA recognizes that nitrogen may not always be available at some airports, and that the prohibition against the use of air to refill a low tire may

cause some inconvenience. As indicated by the testing described above, nitrogen in the tire may be diluted with oxygen to a 95 percent concentration without compromising safety. Any maintenance procedure developed by an operator that would assure that any tire refill using air would not allow the nitrogen concentration to drop below 95 percent would be an acceptable method of compliance with the proposed rule. For example, a manufacturer has published in the maintenance manuals of two of its models, a chart which explains a repetitive air refill procedure for a residual tire nitrogen content of 90 percent. While this chart would not be usable for a concentration of 95 percent, it shows that similar procedures for a minimum nitrogen concentration of 95 percent for a range of tire sizes and pressures could be easily developed.

It is proposed to apply this new rule to large transport category airplanes with a maximum certificated takeoff weight greater than 75,000 pounds. A review of service difficulty reports has revealed that more severe tire failures occur on the larger, heavier airplanes. The mechanism of a tire explosion is not fully understood, but it is clear that sufficient energy to raise the air in a tire to autoignition temperature must be provided by an overheated brake. Larger airplanes generally have higher takeoff and landing speeds and, at the higher gross weights, this provides for more kinetic energy to be absorbed by the brakes as heat. The FAA has no records of adverse service history on smaller transport category airplanes that would suggest that the use of air for tire inflation constitutes a hazard.

In addition, it is proposed that the requirement to use an inert gas for tire inflation be limited to braked wheels only, since there is no source of excessive heat present on unbraked wheels.

Regulatory Evaluation

This regulatory evaluation examines the costs and benefits of a proposed rulemaking that would amend part 25 of the Federal Aviation Regulations (FAR) to require tires to be inflated with nitrogen or other gases shown to be inert on transport category airplanes with maximum certificated takeoff weights greater than 75,000 pounds. This proposal would apply only to airplanes type certificated after issuance of a final rule amending part 25.

The purpose of this rulemaking is to reduce or eliminate the potential danger of explosions in tires on new types of large transport airplane, caused by the presence of oxygen in the tire.

Costs of this rulemaking are expected to be extremely small or even negligible, since this proposed rule would mandate what is currently a standard industry practice. An Airworthiness Directive (AD) has already been issued that requires using inert gas to inflate tires on existing types of transport category airplanes. Prior to the issuance of the AD, inflation of airplane tires with nitrogen was a widespread practice among U.S. operators of airplanes certificated under part 25.

Costs

It is likely that air carriers that are currently using inert gas tire inflation equipment and procedures on their existing fleets will voluntarily employ the same equipment and procedures on airplanes with new type certificates, for reasons of efficiency and practicality.

Any costs of this proposed rule would most likely be limited to rare situations where air carriers use newly type certificated airplanes on routes to U.S. or foreign destinations not previously served, where nitrogen and inert gas inflation equipment may not otherwise be readily available. In order to comply with this rulemaking, a carrier that would otherwise service airplane tires with compressed air at these destinations may now have to purchase bottled gas and inert gas inflation equipment.

The FAA assumes, as a worst-case scenario, that 5 percent of newly type certificated large transport airplanes delivered in the U.S. between 1989 and 1998 would have their tires inflated with compressed air, at any given time, in the absence of this proposed rule. The FAA also assumes, as a worst-case scenario, that 20 additional destinations that had not previously accommodated large U.S. operated transport airplanes would be served between 1989 and 1998 by the new airplane types, and that they would not otherwise have the requisite equipment to comply with the proposed amendments.

The new types of large transport category airplanes affected by this proposed rulemaking are estimated to require between 30 and 40 tires per airplane annually, and 155 cubic feet of nitrogen over the life of each tire. The FAA assumes that bottled dry nitrogen costs \$.85 per 100 cubic feet on average.

The FAA also predicts that the following equipment costs would be incurred at the 20 airports where nitrogen inflation equipment would have to be purchased:

- \$400 for mobile bottle carts
- \$200 for regulators
- \$80 for hoses and fittings

These assumptions have yielded the following cost estimates for the 1989-1998 evaluation period:

- Total operating costs, from procurement of bottled dry nitrogen, of \$2,915 (discounted present value)
- Total equipment costs of \$8,487 (discounted present value)
- Total costs of compliance of \$11,402 (discounted present value)

Benefits

The proposed rule would enhance safety by virtually eliminating any remaining possibility of tire explosions caused by tire inflation with compressed air in newly-certificated large transport airplanes.

The benefit of preventing one accident before 1998 of the magnitude of an accident caused by a tire explosion that occurred in the U.S. in 1973 (valued in 1987 at \$675,000, discounted present value), would far outweigh the small costs of the proposed amendments. It is notable that expected safety benefits of this proposed regulation would still exceed assumed costs even if there is as small as a 2 percent probability that such an accident would otherwise occur in the U.S., among newly type-certificated airplanes, before 1998.

Regulatory Flexibility Determination

Under the criteria of the Regulatory Flexibility Act of 1980, the FAA has determined that the proposed rule would not have a significant economic impact on a substantial number of small entities.

Since the Act applies to U.S. entities, only U.S. manufacturers of transport category airplanes would be affected. In the United States, there are two manufacturers that specialize in commercial transport category airplanes, the Boeing Company and the McDonnell Douglas Corporation. In addition, there are a number of general aviation entities that manufacture other transport category airplanes such as large business jets, including Cessna Aircraft and Gates Lear Jet.

The FAA size threshold for a determination of a small entity for U.S. airplane manufacturers is 75 employees; any U.S. airplane manufacturer with more than 75 employees is considered not to be a small entity. None of the transport category airplane manufacturers is known to be a small entity. Thus, there would not be a significant economic impact on a substantial number of small entities as the result of the implementation of this proposal.

International Trade Impact Assessment

This proposal is not expected to have an adverse impact either on the trade opportunities of U.S. manufacturers of transport category airplanes doing business abroad or on foreign aircraft manufacturers doing business in the U.S. Since the certification rules are applicable to both foreign and domestic manufacturers selling airplanes in the U.S., there would be no competitive trade advantage to either.

Federalism Implications

The regulations proposed herein would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this proposal would not have sufficient federalism implications to warrant the preparation of a Federalism Assessment.

Conclusion: Because the proposed requirement to use inert gas in lieu of nitrogen for tire inflation is not expected to result in a substantial cost, the FAA has determined that this proposed rule is not major as defined in Executive Order 12291. Because this is an issue which has not prompted a great deal of public concern, this proposed rule is not considered to be significant as defined in Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). In addition, since there are no small entities affected

by this rulemaking, it is certified, under the criteria of the Regulatory Flexibility Act, that this proposed rule, at promulgation, would not have a significant economic impact, positive or negative, on a substantial number of small entities. A copy of the initial regulatory evaluation prepared for this project may be examined in the public docket or obtained from the person identified under the caption "FOR FURTHER INFORMATION CONTACT."

List of Subjects in 14 CFR Part 25

Air transportation, Aircraft aviation safety, Safety.

The Proposed Amendment

Accordingly, the FAA proposes to amend part 25 of the Federal Aviation Regulations (FAR) (14 CFR part 25) as follows:

PART 25—AIRWORTHINESS STANDARDS: TRANSPORT CATEGORY AIRPLANES

1. The authority citation for part 25 continues to read as follows:

Authority: 49 U.S.C. 1344, 1354(a), 1355, 1421, 1423, 1424, 1425, 1428, 1429, 1430; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 49 CFR 1.47(a).

2. By amending § 25.733 by adding a new paragraph (e) to read as follows:

§ 25.733 Tires.

(e) For an airplane with a maximum certificated takeoff weight of more than 75,000 pounds, tires mounted on braked wheels must be inflated with dry nitrogen or other gases shown to be inert so that the gas mixture in the tire does not contain oxygen in excess of 5 percent by volume.

Issued in Washington, DC, on February 23, 1990.

William J. Sullivan,
Assistant Director, Aircraft Certification Service.

[FR Doc. 90-4939 Filed 3-2-90; 8:45 am]

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⁴ The July 1, 1985 edition of 32 CFR Parts 1-189 contains a note only for Parts 1-39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1-39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

⁵ The July 1, 1985 edition of 41 CFR Chapters 1-100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.



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